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No. 15] NEW DELHI, APRIL 3—APRIL 9, 2011, SATURDAY/CHAITRA 13—CHAITRA 19, 1933

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पुस्तक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सचिविक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 30 मार्च, 2011.

का.आ. 942.—केंद्रीय सरकार एतद्वारा अपराध प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा संस्थापित मामलों के अभियोजन के लिए उत्तर प्रदेश राज्य में विधि द्वारा स्थापित परीक्षण न्यायालयों और पुनरीक्षण अथवा अपील न्यायालय में इन मामलों की अपीलों, पुनरीक्षणों अथवा इन मामलों से उद्भूत अन्य मामलों का संचालन करने के लिए श्री ब्रह्म देव मिश्रा, अधिवक्ता को लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/36/2010-एवीडी-II]

वी. एम. रत्नम, उप सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 30th March, 2011

S.O. 942.—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoint Shri Brahama Dev Mishra, Advocate in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of Uttar Pradesh instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law.

[No.225/36/2010-AVD-II]

V. M. RATHNAM, Dy. Secy.

नई दिल्ली, 4 अप्रैल, 2011

क्र.आ. 943.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तमिलनाडु राज्य सरकार, गृह (पोल. vii) विभाग की दिनांक 18 मार्च, 2011 की अधिसूचना सं. जी.ओ. (एम. एस.) सं. 195 द्वारा प्राप्त सहमति से थोरू सादिक बासा, चेन्नई की कथित आत्महत्या रिपोर्ट के संबंध में पुलिस स्टेशन, ई. 3, टेनाम्पेट, (तमिलनाडु) में पंजीकृत अपराध प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 174 के अंतर्गत केस अपराध सं. 560/2011 के तथा उपर्युक्त उल्लिखित अपराध के संबंध में या उससे संबद्ध प्रयास, दुष्प्रेरण तथा षडयंत्र तथा उसी संव्यवहार के क्रम में या उन्ही तथ्यों से उद्भूत किसी अन्य अपराध/अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार एतद्वारा सम्पूर्ण तमिलनाडु-राज्य के सम्बन्ध में करती है।

[फा. सं. 228/23/2011-एवीडी-II]

वी. एम. रत्नम, उप सचिव

New Delhi, the 4th April, 2011

S.O. 943.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Tamil Nadu, Home (POL. VII) Department vide Notification G. O. (MS) No. 195 dated 18th March 2011, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Tamil Nadu for investigation of case Crime No. 560/2011 registered at Police Station E-3, Tenampet, (Tamil Nadu) under section 174 of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) relating to reported suicide of Thiru Sadiq Batcha, Chennai and attempt, abetment and conspiracy in relation to or in connection with the above mentioned offence and any other offence or offences committed in course of the same transaction or arising out of the same facts.

[F.No.228/23/2011-AVD-II]

V. M. RATHNAM, Dy. Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 1 अप्रैल, 2011

क्र.आ. 944.—भारतीय लघु उद्योग विकास बैंक अधिनियम, 1989 (1989 का 39) की धारा (6) की उप-धारा (2) के साथ पठित धारा (6) की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, श्री सुशील मुह्नोट, (जन्म तिथि 19-09-1956), वर्तमान में कार्यकारी निदेशक, आईडीबीआई

बैंक लिमिटेड, को उनके द्वारा पद का कार्यभार ग्रहण करने की तिथि से पांच वर्षों की अवधि के लिए अथवा आगे आदेशों तक, जो भी पहले हो, भारतीय लघु उद्योग विकास बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 7/2/2010-बीओ-1]

समीर के. सिन्हा, निदेशक

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 1st April, 2011

S.O. 944.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section (6) read with sub-section (2) of Section (6) of the Small Industries Development Bank of India Act, 1989 (39 of 1989), the Central Government after consultation with the Reserve Bank of India, hereby appoints Shri Sushil Mhnot (DoB: 19-09-1956) presently Executive Director, IDBI Bank Ltd. as Chairman and Managing Director, Small Industries Development Bank of India (SIDBI) for a period of five years with effect from his assumption of charge of the post or until further orders, whichever is earlier.

[F.No. 7/2/2010-BO-I]

SAMIR K. SINHA, Director

शहरी विकास मंत्रालय

(समारोह अनुभाग/कार्य प्रभाग)

नई दिल्ली, 31 मार्च, 2011

क्र.आ. 945.—दिनांक 26 दिसम्बर 2005 की अधिसूचना सं. 25011/7/85-डब्ल्यू-2 में आंशिक संशोधन करते हुए, राजघाट समाधि अधिनियम, 1951 (1951 का 41) की धारा 4 की उप-धारा (1), (2) तथा (3) के साथ पठित धारा 3 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, केंद्र सरकार श्री एस. जयपाल रेड्डी के स्थान पर श्री कमलनाथ, शहरी विकास मंत्री को राजघाट समाधि समिति का अध्यक्ष नियुक्त करती है।

[सं. 25011/7/85-डब्ल्यू-2]

प्रेम जीत लाल, निदेशक (निर्माण)

MINISTRY OF URBAN DEVELOPMENT

(Ceremonial Section/Works Division)

New Delhi, the 31st March, 2011

S.O. 945.—In partial modification of the Notification No. 25011/7/85-W2 dated 26th December, 2005, the Central Government appoints Shri Kamal Nath, Minister of Urban Development, as Chairman of Rajghat Samadhi Committee in place of Shri S. Jaipal Reddy, in exercise of the powers conferred by Section 3 read with sub-section (1), (2) and (3) of Section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951).

[No. 25011/7/85-W-2]

PREMJIT LAL, Director (Works)

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 18 मार्च, 2011

क्र.आ. 946.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद से परामर्श करके, संबद्ध विश्वविद्यालयों के नाम में परिवर्तन के कारण उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, नामतः :—

उक्त प्रथम अनुसूची में मान्यता प्राप्त चिकित्सा अर्हता शीर्षक [इसके बाद कालम (2) के रूप में निर्दिष्ट], के अन्तर्गत “जिवाजी विश्वविद्यालय” के प्रति पंजीकरण के लिए संक्षिप्त रूप [इसके बाद कालम (3) के रूप में निर्दिष्ट] शीर्षक के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित को अंतर्विष्ट किया जाएगा, नामतः :—

(2)	(3)
मास्टर ऑफ सर्जरी (हड्डीरोग विज्ञान)	एम. एस. (हड्डीरोग विज्ञान)
“(हड्डी रोग विज्ञान में डिप्लोमा)”	(जी.आर. मेडिकल कालेज, ग्वालियर, मध्य प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में जिवाजी विश्वविद्यालय द्वारा वर्ष 1981 में या इसके बाद प्रदान की गई चिकित्सा अर्हता मान्यताप्राप्त मानी जाएगी)। डी. ओथो (जी.आर. मेडिकल कालेज, ग्वालियर, मध्य प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में जिवाजी विश्वविद्यालय द्वारा वर्ष 1980 में या इसके बाद प्रदान की गई चिकित्सा अर्हता मान्यताप्राप्त मानी जाएगी)।

- सभी नोट करें कि : 1. स्नातकोत्तर पाठ्यक्रम को प्रदान की गई मान्यता अधिकतम 5 वर्ष तक की अवधि के लिए होगी जिसके पश्चात् इसे नवीकृत करवाना होगा।
2. उप-खण्ड 4 में अपेक्षित मान्यता को समय से नवीकृत न करवाने के परिणाम स्वरूप संबंधित स्नातकोत्तर पाठ्यक्रम में दाखिले बंद किए जा सकते हैं।

[सं. यू 12012/16/2010-एम. ई.(पी. II)]

अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 18th March, 2011

S. O. 946.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby, makes the following further amendments in the First Schedule to the said Act, due to change of nomenclature of the qualification namely :—

In the said Schedule —

(a) against “Jiwaji University” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted namely :—

(2)	(3)
“Master of Surgery (Orthopaedics)”	MS (Ortho.) (This shall be a recognised medical qualification when granted by Jiwaji University in respect of students being trained at G.R. Medical College, Gwalior, Madhya Pradesh on or after 1981.)

(2)	(3)
"Diploma in (Orthopaedics)"	D. Ortho. (This shall be a recognised medical qualification when granted by Jiwaji University in respect of students being trained at G.R. Medical College, Gwalior, Madhya Pradesh on or after 1980.)

- Note to all :**
1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
 2. Failure to seek timely renewal of recognition as required in sub-clause-4 shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No.U.12012/16/2010-ME(F. II)]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 23 मार्च, 2011

का.आ. 947.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा (10) की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय दन्त चिकित्सा परिषद् से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, नामतः :—

2. दि तमिलनाडु डा. एम.जी.आर. विश्वविद्यालय, चेन्नई द्वारा प्रदान की जाने वाली दंत चिकित्सा डिग्रियों की मान्यता के संबंध में दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में XIII की क्रम संख्या 34 के समक्ष कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में तमिलनाडु सरकार दंत महाविद्यालय एवं अस्पताल, चेन्नई के संबंध में निम्नलिखित को शामिल किया जाएगा, नामतः :—

“(ii) जन स्वास्थ्य दंत चिकित्सा (यदि दिनांक 25-3-2010 को या उसके पश्चात् प्रदान की गई हो)	एम डी एस (जन स्वास्थ्य दंत चिकित्सा), दि तमिलनाडु डा. एम.जी.आर. विश्वविद्यालय, चेन्नई,”
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[फा. सं. बी. 12017/40/2006-डी. ई.]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 23rd March, 2011

S. O. 947.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against XIII Serial No. 34, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by The Tamil Nadu Dr. M.G.R. University, Chennai the following entries in respect of Tamil Nadu Government Dental College & Hospital, Chennai, shall be inserted thereunder :—

“(ii) Public Health Dentistry (if granted on or after 25-3-2010)	MDS (Public Health Dentistry), The Tamil Nadu Dr. M.G.R. University, Chennai”
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[F.No.V.12017/40/2006-DE]

ANITA TRIPATHI, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

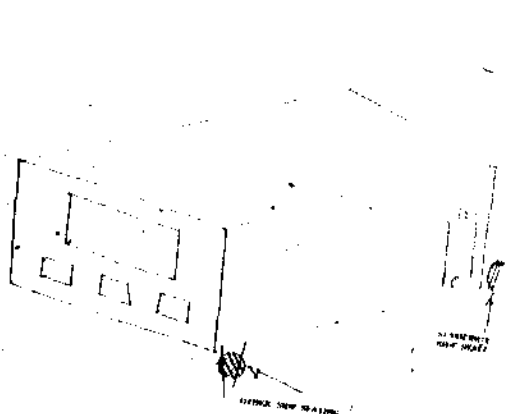
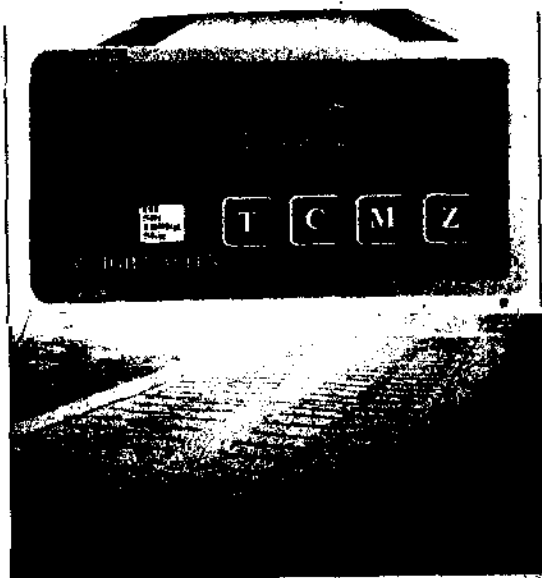
(उपभोक्ता मामले विभाग)

नई दिल्ली, 31 जनवरी, 2011

का.आ. 948.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स आर डी बिजनेस सर्विसिज प्रा.लि., शैड नं. एस-III/18-25 एंड 26, कालुंका इंडस्ट्रियल एस्टेट, आई डी सी, राउरकेला-760 031 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एबीडब्ल्यूबी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेजिज) के मॉडल का, जिसके ब्रांड का नाम "वेमास्टर" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/296 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेजिज) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाड़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(200)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 31st January, 2011

S.O. 948.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Electronic Weighbridge type) with digital indication of medium Accuracy (Accuracy class -III) of Series "ABWB" and with brand name "WEIGHMASTER" (hereinafter referred to as the said Model), manufactured by M/s. Ardee Business Services Pvt. Ltd. Shed No. S-III/18, 25 & 26, Kalunka Industrial Estate, IDC, Kalunka, Rourkela-770 031 and which is assigned the approval mark IND/09/10/296;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

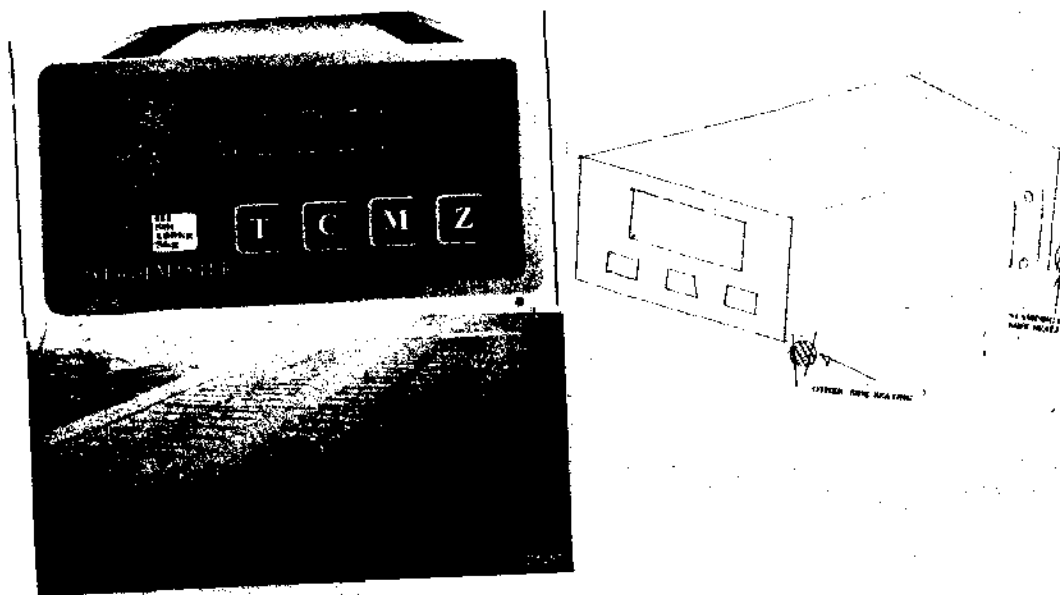


Figure-3 sealing provision of the indicator of the Model

Sealing is done by passing the sealing wire from the body of the indicator through holes. A typical schematic diagram of sealing provision of the Model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the said manufacturer in accordance with the same principle, design and materials with which, the approved Model has been manufactured.

[FNo.WM-21 (200)/2010]

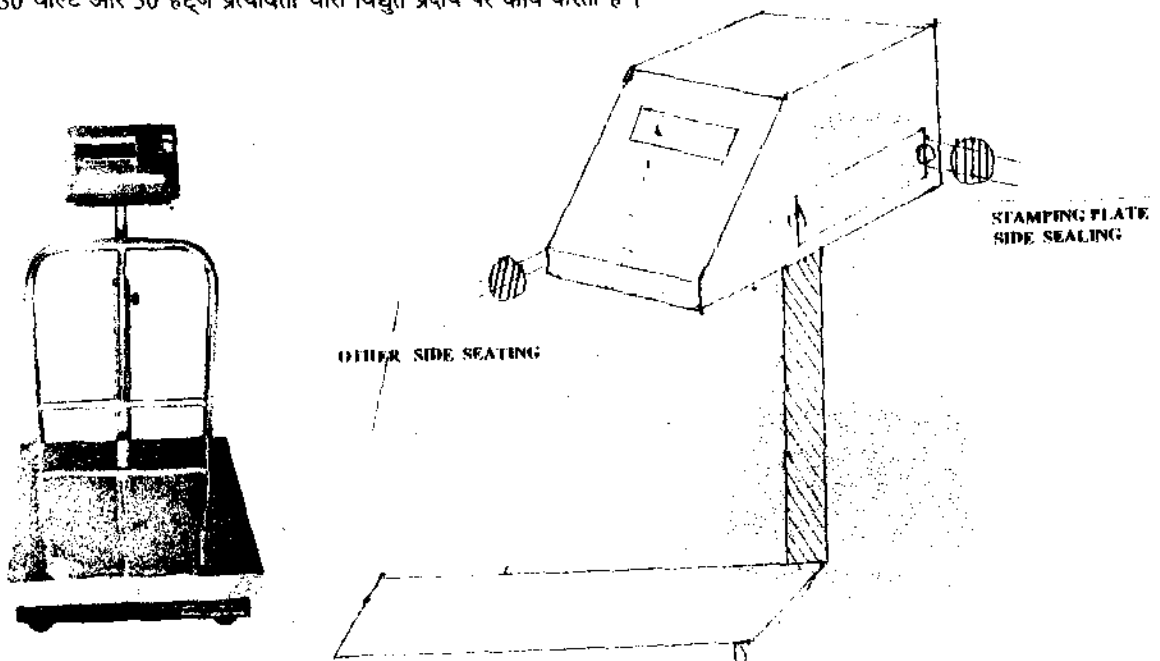
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

का.आ. 949.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आर डी बिजनेस सर्विसिज प्रा. लि., शैड नं. एस-III/18-25 एंड 26, कालुंका इंडस्ट्रियल एस्टेट, आई डी सी, राऊरकेला-770 031 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एबीपीएफ” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “वेमास्टर” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/10/295 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाड़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 5,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 , 5×10^6 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(200)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

S.O. 949.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of medium Accuracy (Accuracy class -III) of Series "ABPF" and with brand name "WEIGHMASTER" (hereinafter referred to as the said Model), manufactured by M/s. Ardee Business Services Pvt. Ltd. Shed No. S-III/18, 25 & 26, Kalunka Industrial Estate, IDC, Kalunka, Rourkela-770 031 and which is assigned the approval mark IND/09/10/295;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

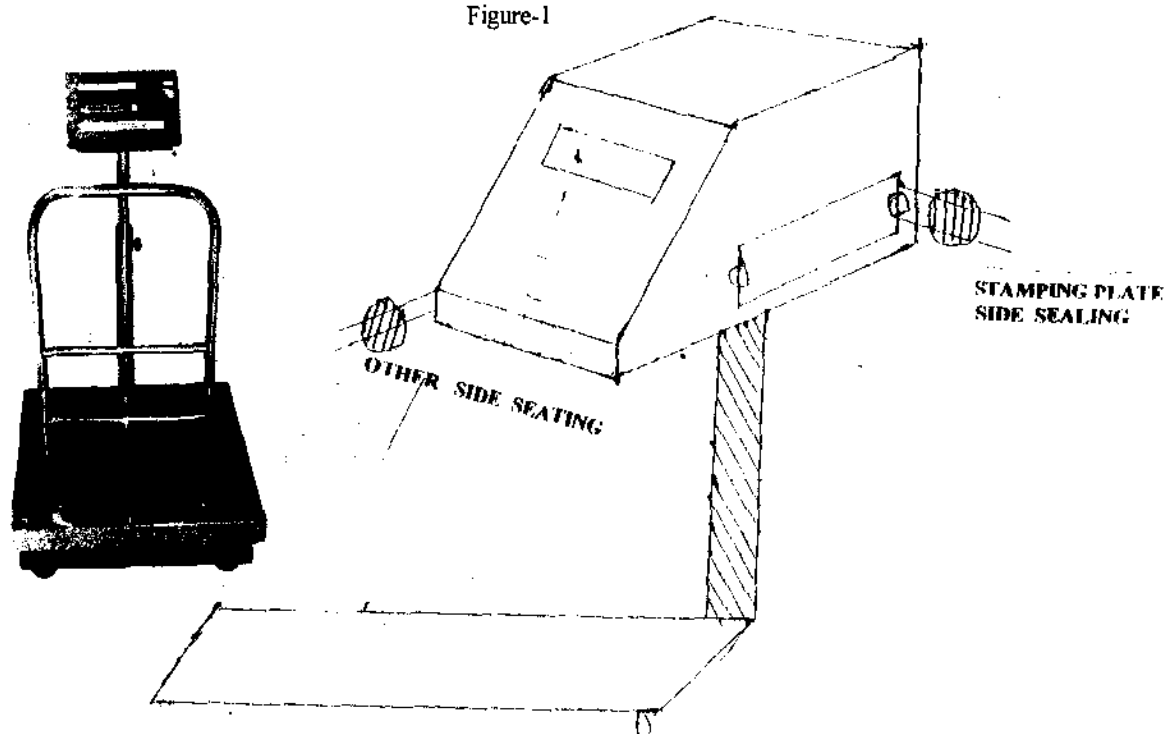


Figure-2 Schematic diagram of sealing provision of the Model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy performance and of the same series with maximum capacity above 50 kg. up to 5000 kg. with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , 'k' being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the approved Model has been manufactured.

[F.No.WM-21(200)2010]

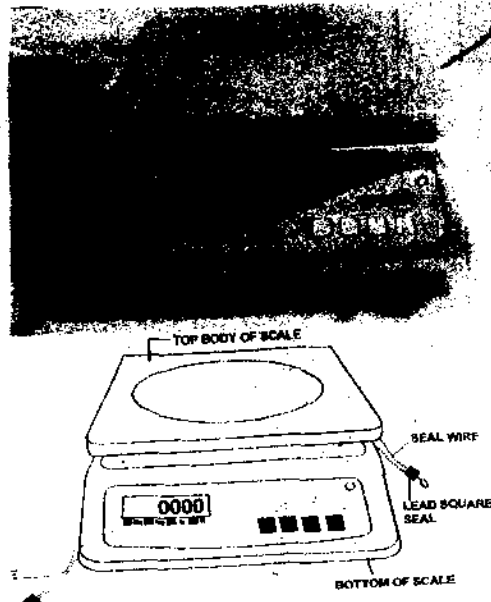
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

का.आ. 950.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स स्वास्तिक इंस्ट्रूमेंट, 54, भगवती कृपा सोसायटी, चिराग डायमंड के सामने, एलबीएस रोड, बापुनगर, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसआई-टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "स्वास्तिक" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/43 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

कपटपूर्ण व्यवहारों के लिए वेइंग मशीन को खोले जाने से रोकने के लिए सीलिंग की जाती है। बाटम प्लेट में दिए गए छेदों में से टिविस्ड सीलिंग वायर निकाल कर स्टाम्पिंग के लिए साइडकवर और स्टाम्पिंग प्लेट पर लीड सील लगाई जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(44)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

S.O. 950.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of Series "SI-T" and with brand name "SWASTIK" (hereinafter referred to as the said Model), manufactured by M/s. Swastika Instrument, 54, Bhagwati Krupa Society Opp. Chirag Diamond, LBS Road, Bapunagar, Ahmedabad Gujarat which is assigned the approval mark IND/09/10/43;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

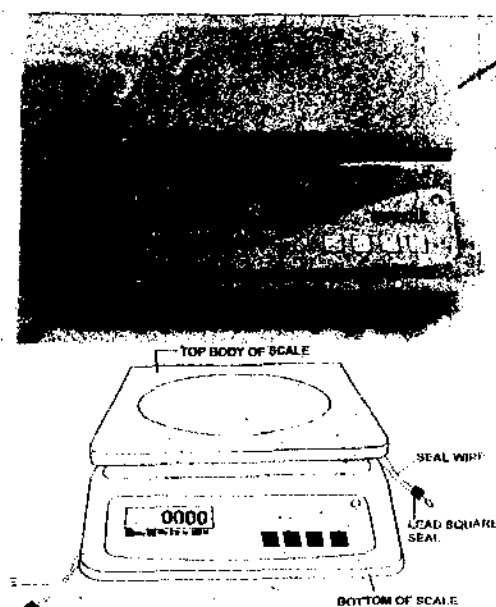


Figure-2 Schematic diagram of sealing provision of the model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Twisted sealing wire passes through the holes of bottom plat, sidecover and stamping plate with lead seal for stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F.No.WM-21/(44)/2010]

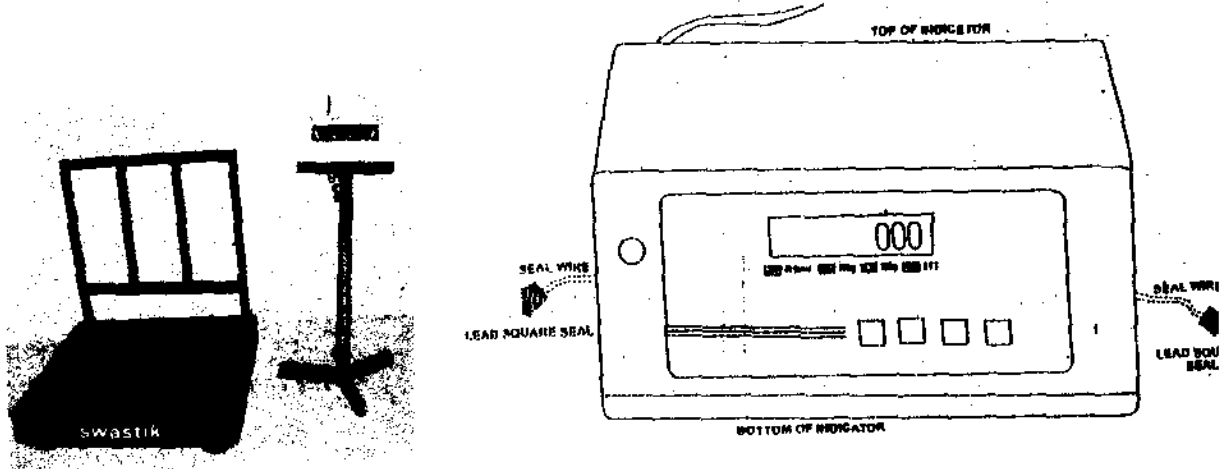
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

क्र.आ. 951.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स स्वास्तिक इन्स्ट्रुमेंट, 54, भगवती कृपा सोसायटी चिराग डायमंड के सामने, एलबीएस रोड, बापूनगर, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसआई-पी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "स्वास्तिक" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/44 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

कपटपूर्ण व्यवहारों के लिए वेइंग मशीन को खोले जाने से रोकने के लिए सीलिंग की जाती है। बाटम प्लेट में दिए गए छेदों में से टिविस्ड सीलिंग वायर निकालकर स्टाम्पिंग के लिए साइडकवर और स्टाम्पिंग प्लेट पर लीड सील लगाई जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(44)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

S.O. 951.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium Accuracy (Accuracy class -III) of Series "SI-P" and with brand name "SWASTIK" (hereinafter referred to as the said Model), manufactured by M/s Swastika Instrument, 54, Bhagwati Krupa Society, Opp. Chirag Diamond, LBS Road, Bapunagar, Ahmedabad Gujarat which is assigned the approval mark IND/09/10/44;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

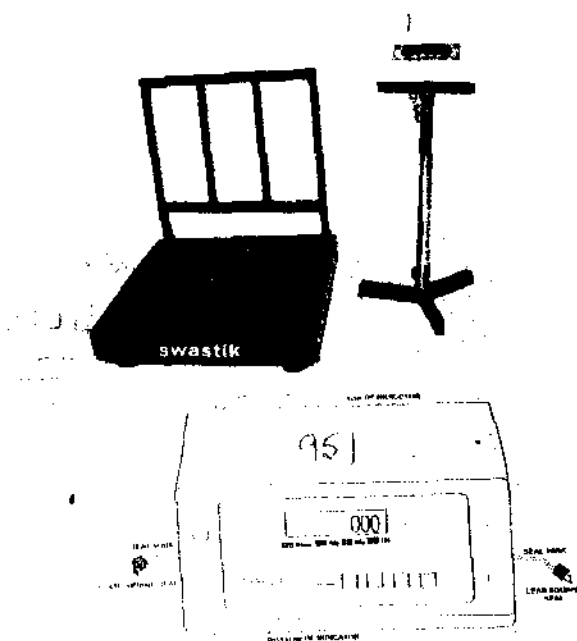


Figure-2 Schematic diagram of sealing provision of the model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Twisted sealing wire passes through the holes of bottom plate, sidecover and stamping plate with lead seal for stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity above 50 kg. up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21/(44)2010]

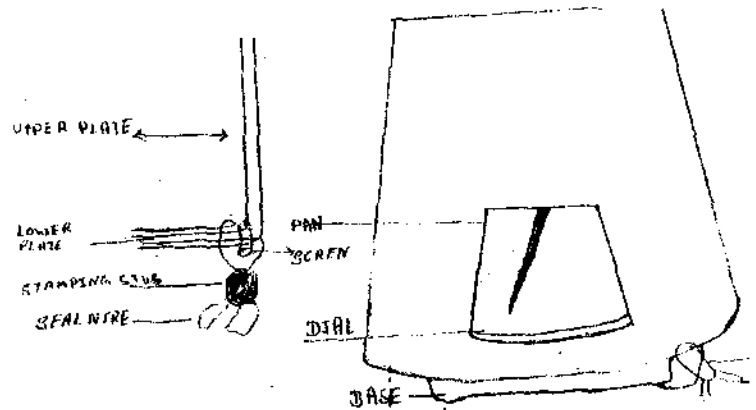
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

का.आ. 952.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स राधे श्याम ऋषि पाल (फैक्टरी), 308/14, शहजादा बाग इंडस्ट्रियल एरिया, दयाबस्ती रेलवे स्टेशन, दिल्ली-35 (भारत) द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-III) वाले "पीएस" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (मैकेनिकल व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्राण्ड का नाम "किरगो" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/440 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल सिंग्र सिद्धांत पर आधारित मैकेनिकल अस्वचालित तोलन उपकरण (मैकेनिकल व्यक्ति तोलन मशीन) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है।



आकृति -2 मॉडल के सीलिंग प्रावधान का डायग्राम

उपकरण की बाड़ी पर दिए गए छेदों के माध्यम से लीड और सील तार लगाकर सीलिंग की जाती है। कपटपूर्ण उपयोग को रोकने के लिए मशीन को खोले जाने से रोकने के लिए सील लगाई जाती है। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम उपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5.ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 200 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(262)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

S.O. 952.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Mechanical Person Weighing Machine) of Ordinary Accuracy (Accuracy class -III) of Series "PS" and with brand name "VIRGO" (hereinafter referred to as the said Model), manufactured by M/s. Radhey Shyam Rishi Pal (Factory), 308/14, Shahzada Bagh Industrial Area, Opp. Daya Basti Railway Station, Delhi-35 (India) which is assigned the approval mark IND/09/10/440;

The said model is the Principal of spring based non-automatic weighing instrument (Mechanical Person Weighing Machine) with a maximum capacity of 150 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 200 g.

Figure-1

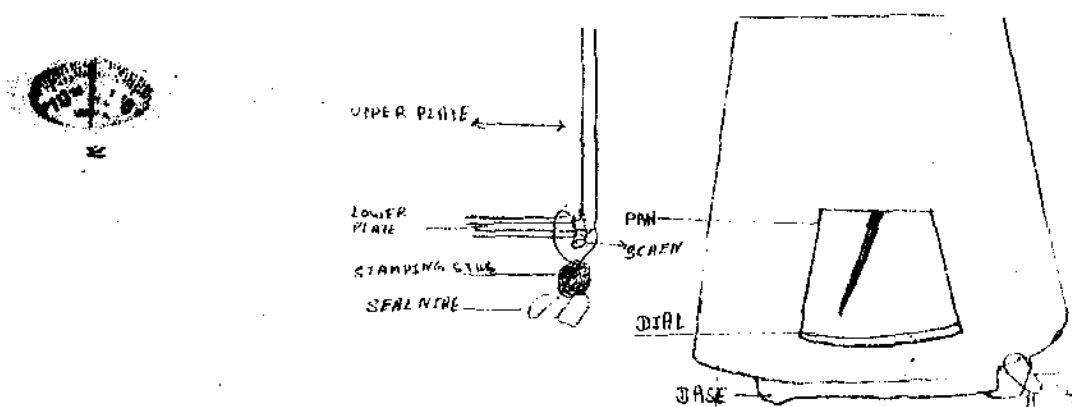


Figure-2 Sealing diagram of the sealing provision of the Model

Sealing can be done by applying lead & seal wire through the holes provided on the body of the instruments. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 200 kg. with verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 5 g. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21/(262)/2010]

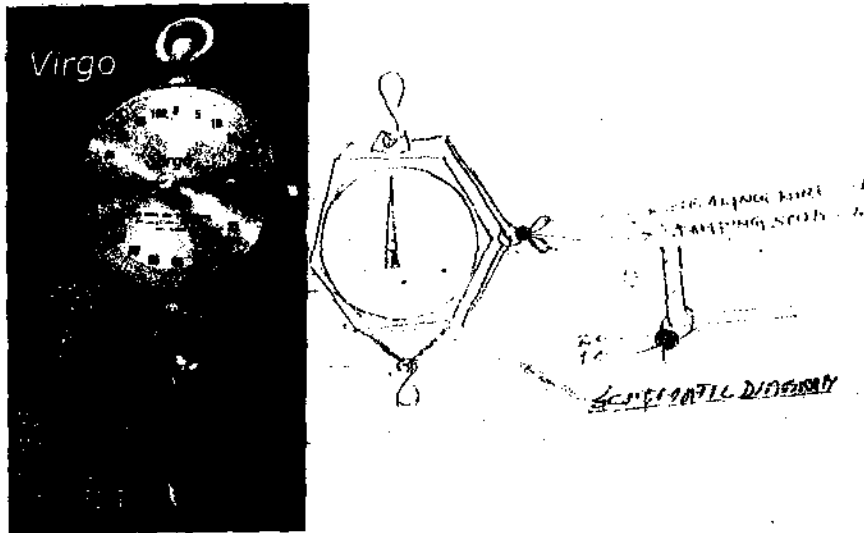
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

का.आ. 953.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स राधे श्याम ऋषि पाल (फैक्टरी), 308/14, शहजादा बाग इंडस्ट्रियल एरिया, दयाबस्ती रेवले स्टेशन, दिल्ली-35 (भारत) द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-III) वाले "एस सी एच एस" शृंखला के एनालाग सूचन सहित अस्वचालित तोलन उपकरण (स्प्रिंग बेलेंस हैंगिंग एवं डायल टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "विराते" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/441 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल स्प्रिंग सिद्धांत पर आधारित मैकेनिकल अस्वचालित तोलन उपकरण (स्प्रिंग बेलेंस हैंगिंग एवं डायल टाइप) है। इसकी अधिकतम क्षमता 100 कि.ग्रा. है और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 500 ग्रा. है। डायल सूचक पर एनालाग टाइप सूचित करता है।



आकृति -2 मॉडल के सीलिंग प्रावधान का डायग्राम

उपकरण की बाड़ी पर दिए गए छेदों के माध्यम से लीड और सील तार लगाकर सीलिंग की जाती है। कपटपूर्ण उपयोग को रोकने के लिए मशीन को खोले जाने से रोकने के लिए सील लगाई जाती है। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम उपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5.ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(262)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

S.O. 953.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Spring Balance Hanging & Dial Type) with analogue indication of ordinary Accuracy (Accuracy class -III) of Series "SCHS" and with brand name "VIRGO" (hereinafter referred to as the said model), manufactured by M/s Radhey Shyam Rishi Pal (Factory), 308/14, Shahzada Bagh Industrial Area, Opp. Daya Basti Railway Station, Delhi-35 (India) and which is assigned the approval mark IND/09/10/441;

The said model is a spring based mechanical non-automatic weighing instrument (Spring Balance Hanging & Dial Type) with a maximum capacity of 100 kg. and minimum capacity of 5 kg. The verification scale interval (e) is 500 g. The indication is of analogue type on a dial indicator.

Figure-1

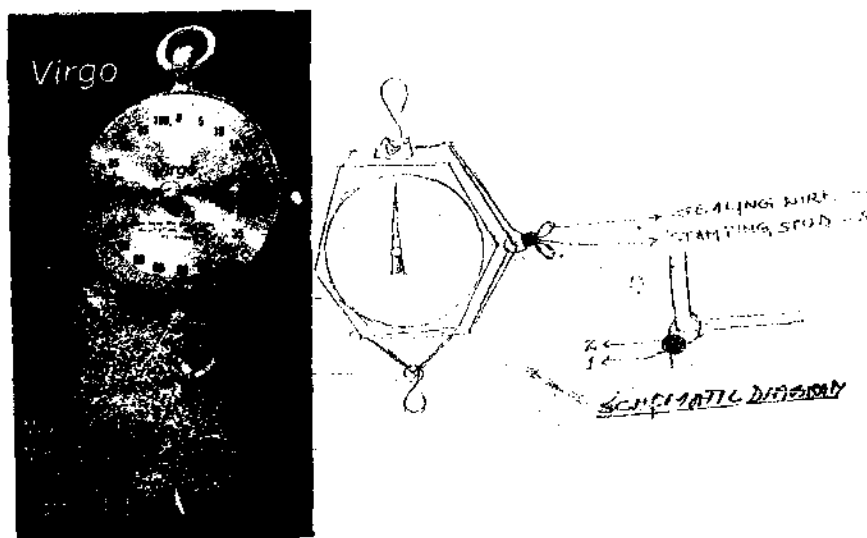


Figure-2 Schematic diagram of sealing arrangement

Sealing can be done by applying lead & seal wire through the holes provided on the body of the instruments. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 1000 kg. with verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21/(262)2010]

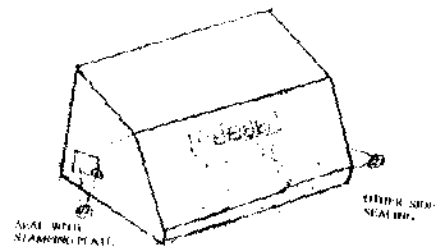
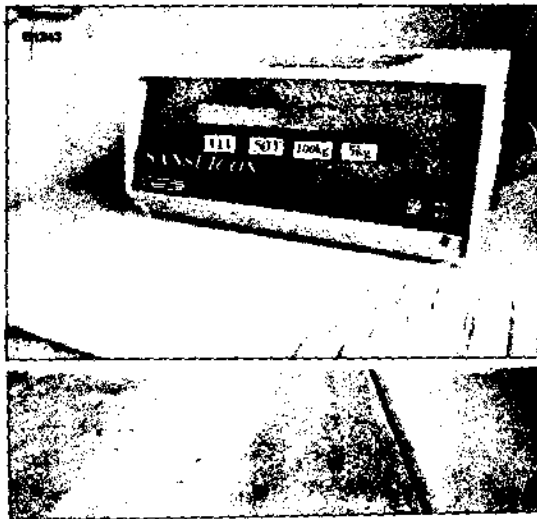
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

का.आ. 954.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शार्प इन्स्ट्रुमेंट्स, 126 रोटकर ले आउट, न्यू ओम नगर, हुडकेश्वर रोड, नागपुर-440034 (महाराष्ट्र) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसआईसी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "सनसुइकॉन" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/422 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज टाइप) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(252)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

S.O. 954.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge type) with digital indication of medium Accuracy (Accuracy class -III) of Series "SIC" and with brand name "SANSUICON" (hereinafter referred to as the said Model), manufactured by M/s. Sharp Instruments, 126, Rotkar Lay-Out, New Om Nagar, Hudkeshwar Road, Nagpur-440034 (Mah.) and which is assigned the approval mark IND/09/10/422;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge type) with a maximum capacity of 50 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

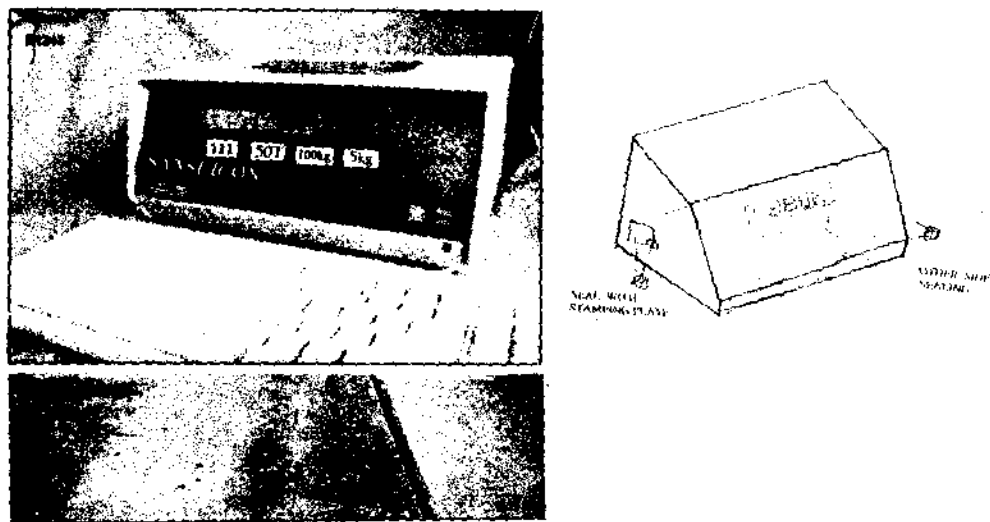


Figure-2 Schematic Diagram of sealing provision of the Model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or above and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21 (252)/2010]

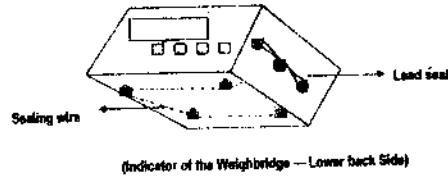
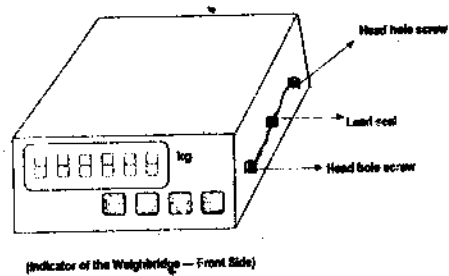
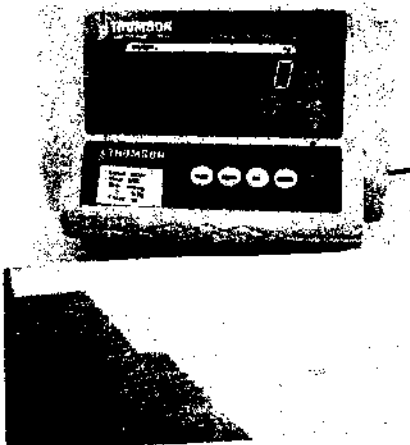
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

का.आ. 955.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सैनी स्केल (इंडिया), सैनी कालोनी, ओपी जिन्दल पार्क के सामने, झांसा रोड, कुरूक्षेत्र - 136118 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसएसडब्ल्यू" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "थॉमसन" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/279 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बाड़ी के छेदों में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(178)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

S.O. 955.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of medium Accuracy (Accuracy class -III) of series "SSW" and with brand name "THOMSON" (hereinafter referred to as the said model), manufactured by M/s Saini Scales (India), Saini Colony, Opp. O. P. Jindal Park, Jhansa Road, Kurukshetra-136118, Haryana and which is assigned the approval mark IND/09/10/279;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

Figure-1

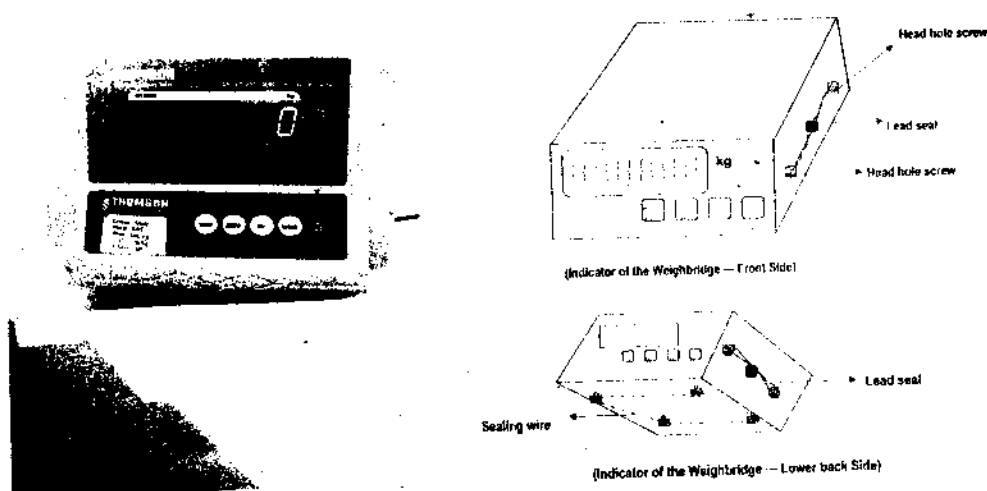


Figure-2 Schematic Diagram of sealing provision of the model

The sealing is done by passing the sealing wire from the body of the indicator through holes. A typical schematic diagram of sealing provision of the model is given above.

A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or above and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(178)/2010]

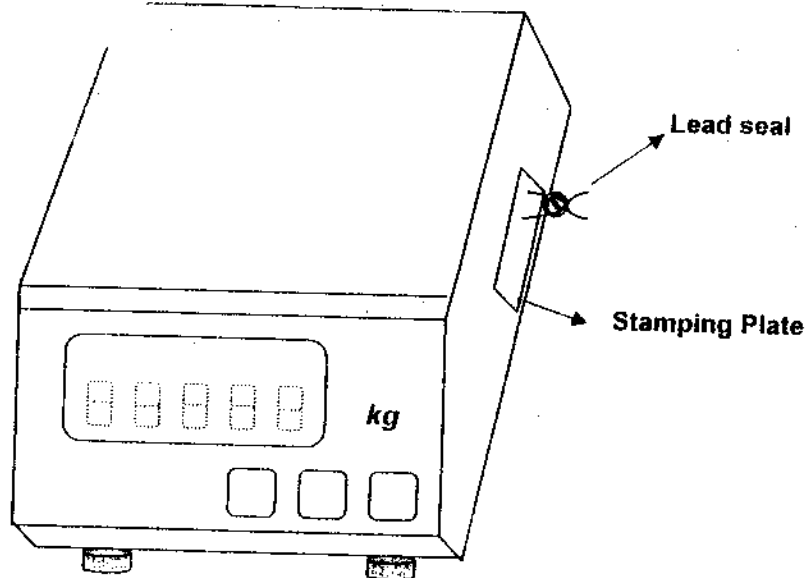
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

का.आ. 956.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स मदरसन्स स्केल (इंडिया), बी-2638, डीएसआईडीसी, इंडस्ट्रियल एरिया, नरेला, दिल्ली 110040 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग -II) वाले "एमएसटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "टॉपर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/363 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कॅलिब्रेशन तक पहुंच की सुविधा है। बाहरी कॅलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(233)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

S.O. 956.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class -II) of Series "MST" and with brand name "TOPPER" (hereinafter referred to as the said Model), manufactured by M/s. Mothersons Scale (India), B-2638, DSIDC, Industrial Area, Narela, Delhi-110040 and which is assigned the approval mark IND/09/10/363;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

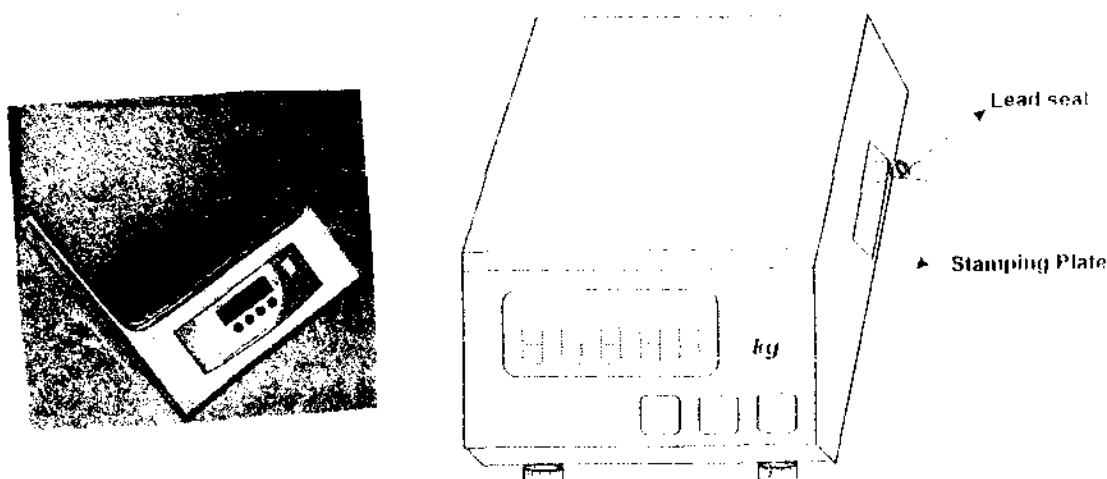


Figure 2—Schematic Diagram of sealing provision of the Model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(233)/2010]

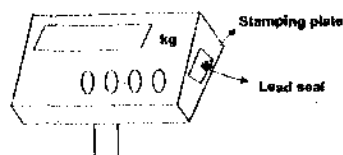
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

का.आ. 957.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स मंदरसन स्केल (इंडिया), बी-2638, डीएसआईडीसी, इंडस्ट्रियल एरिया, नरेला, दिल्ली-110 040 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एमएसपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "टॉपर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/364 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



(Indicator of the Platform Scale-Front Side)



(Indicator of the platform Scale - Lower back Side)

आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बाड़ी के बायीं/दायीं ओर से सीलिंग वायर निकाल कर स्केल के टॉप कवर/बाटम बेस में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मंदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(233)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

S.O. 957.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium Accuracy (Accuracy class -III) of Series "MSP" and with brand name "TOPPER" (hereinafter referred to as the said Model), manufactured by M/s Mothersons Scale (India), B-2638, DSIDC, Industrial Area, Narela, Delhi-110 040 and which is assigned the approval mark IND/09/10/364;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 200kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts or 50 Hertz alternative current power supply.

Figure-1

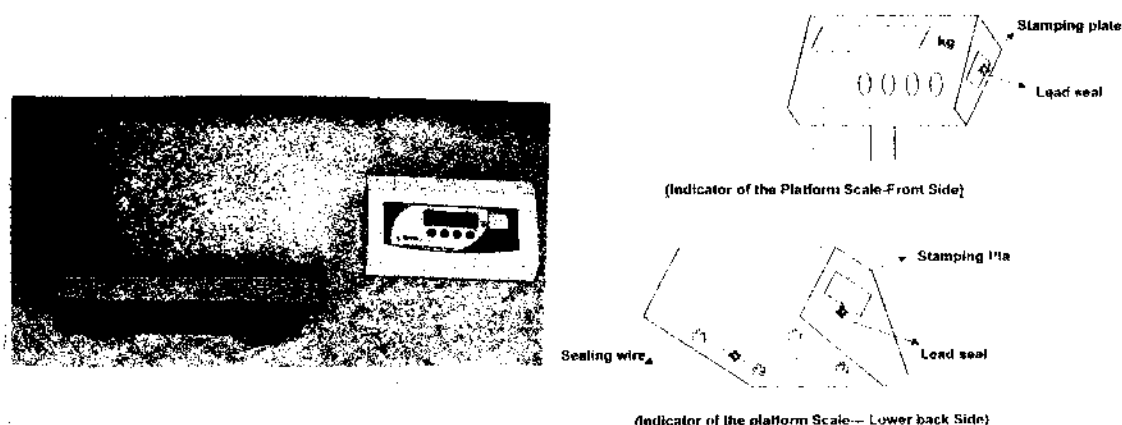


Figure 2—Schematic Diagram of sealing provision of the Model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(233)2010]

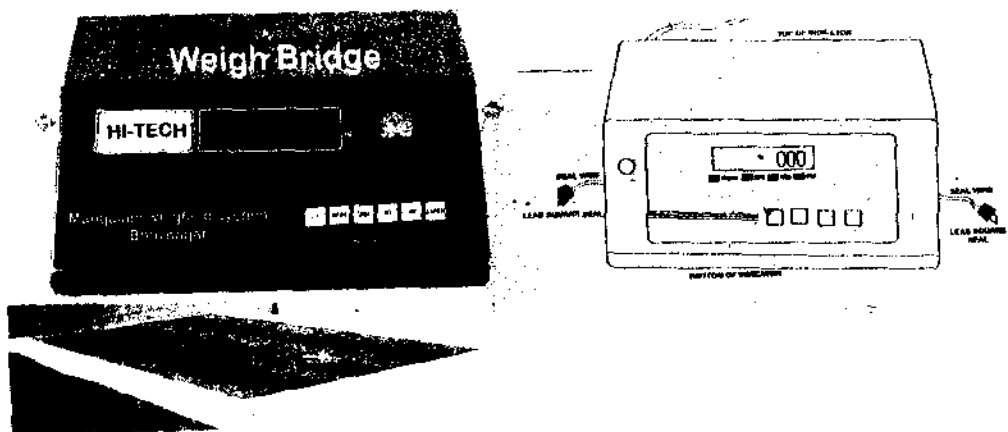
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

का.आ. 958.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स मंगलम वेइंग सिस्टम, डा. गजरा चौक, शोप नं. 3 श्रीमालीब्राह्मन बाड़ी, दीवानपरा रोड, भावनगर द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एमईएस" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) के मॉडल का, जिसके ब्रांड का नाम "हाई-टेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/257 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

इंडिकेटर की बाड़ी के होल में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(161)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

S.O. 958.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of Medium Accuracy (Accuracy class -III) of Series "MES" and with brand name "HI-TECH" (hereinafter referred to as the said model), manufactured by M/s. Mangalam Weighing System, Dr. Gajjara's Chowk, Shop No 3, Sharimalibrahman Wadi, Divanpara Road, Bhavnagar and which is assigned the approval mark IND/09/10/257;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

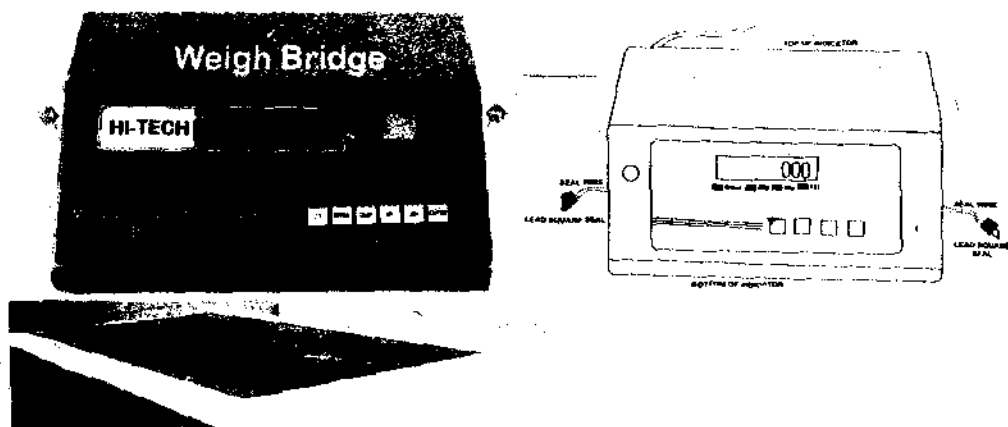


Figure 2—Schematic Diagram of sealing provision of the model

Sealing is done by passing sealing wire from the body of the indicator through holes. A typical schematic diagram of sealing provision of the model is given above.

A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or above and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(161)2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 जनवरी, 2011

का.आ. 959.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एडसन इलेक्ट्रोवे, विश्वकर्मा इंडस्ट्रियल एरिया, अमरेली रोड, सावरकुंडला, गुजरात-364515 द्वारा विनिर्मित मैकेनिकल काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "राडो" है और जिसे अनुमोदन चिह्न आई एन डी/09/10/32 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल प्रिंसिपल आफ मूमेंट्स आधारित मैकेनिकल काउंटर मशीन है जिसकी अधिकतम क्षमता 5 कि.ग्रा. है। इंडीकेशन एनालॉग प्रकार का है।

आकृति I.—मॉडल



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 कि.ग्रा., 2 कि.ग्रा., 5 कि.ग्रा., 10 कि.ग्रा., 20 कि.ग्रा., 25 कि.ग्रा., 30 कि.ग्रा., और 50 कि.ग्रा., तक की क्षमता में हैं।

[फा. सं. डब्ल्यू एम-21(28)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

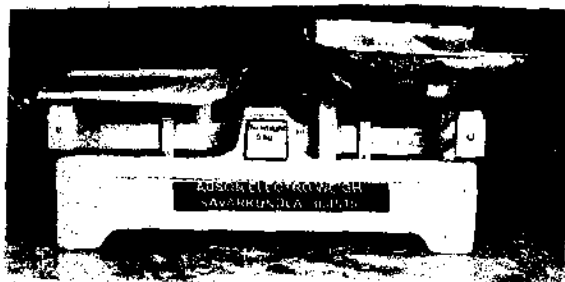
New Delhi, the 31st January, 2011

S.O. 959.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Mechanical Counter Machine with brand name "RADO" (hereinafter referred to as the said Model), manufactured by M/s. Adson Electroweigh, Vishwakarma Industrial Area Amreli Road, Savarkundla Gujarat-364515 and which is assigned the approval mark IND/09/10/32;

The said model is a Principle of Moments based Mechanical Counter Machine with a maximum capacity of 5 kg. The indication is of analogue type.

Figure 1—Model



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacities 1kg., 2kg., 5kg., 10kg., 20kg., 25kg., 30kg., and 50kg., manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F.No.WM-21/(28)/2010]

B. N. DIXIT, Director of Legal Metrology

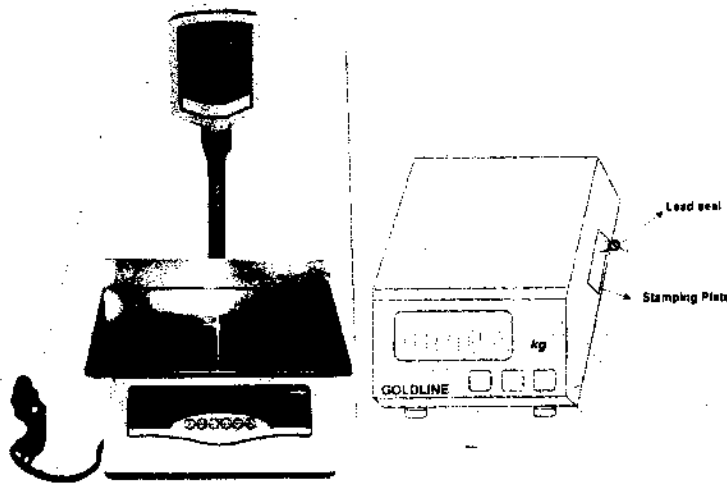
नई दिल्ली, 30 मार्च, 2011

का.आ. 960.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रिंसीशन इलेक्ट्रॉनिक इंस्ट्रूमेंट कं., एच-45, उद्योग नगर, पीरागढ़ी, नई दिल्ली-110041 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "जीएलएफ 3" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "गोल्डलाइन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/628 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति—1



आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकालकर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(383)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th March, 2011

S.O. 960.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High accuracy (Accuracy class-II) of Series “GLF3” and with brand name “GOLDLINE” (hereinafter referred to as the said Model), manufactured by M/s Precision Electronic Instrument Co., H-45, Udyog Nagar, Peeragarhi, New Delhi-110041 and which is assigned the approval mark IND/09/10/628;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts or 50Hertz alternative current power supply.

Figure-1

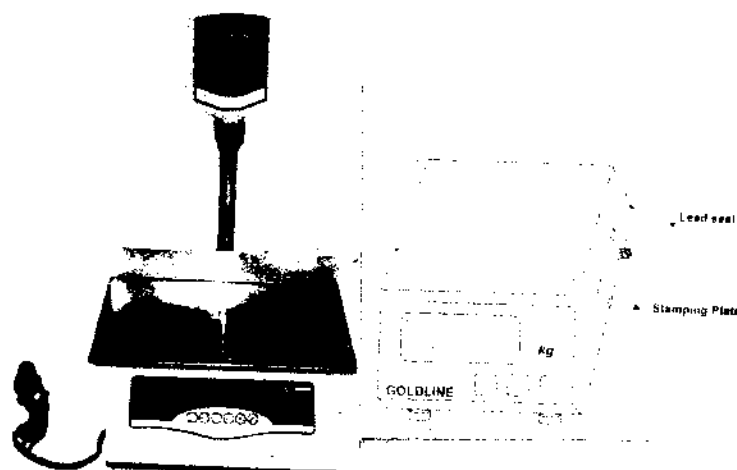


Figure 2— Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(383)/2010]

B. N. DIXIT, Director of Legal Metrology

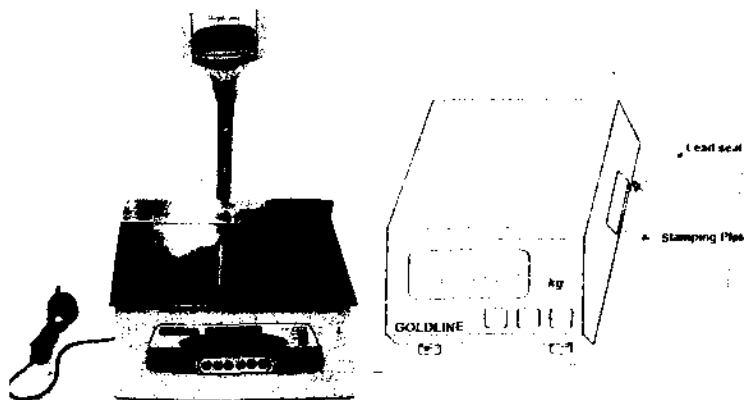
नई दिल्ली, 30 मार्च, 2011

का.आ. 961.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रिंसीशन इलैक्ट्रॉनिक इंस्ट्रूमेंट कं., एच-45, उद्योग नगर, पीरागाढ़ी, नई दिल्ली-110041 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जीएलईजी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "गोल्डलाइन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/629 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श-तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकालकर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} और 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(383)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th March, 2011

S.O. 961.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium accuracy (Accuracy class -III) of Series "GLEG" and with brand name "GOLDLINE" (hereinafter referred to as the said Model), manufactured by M/s. Precision Electronic Instrument Co., H-45, Udyog Nagar, Peeragarhi, New Delhi-110041 and which is assigned the approval mark IND/09/10/629;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts or 50Hertz alternative current power supply.

Figure—1

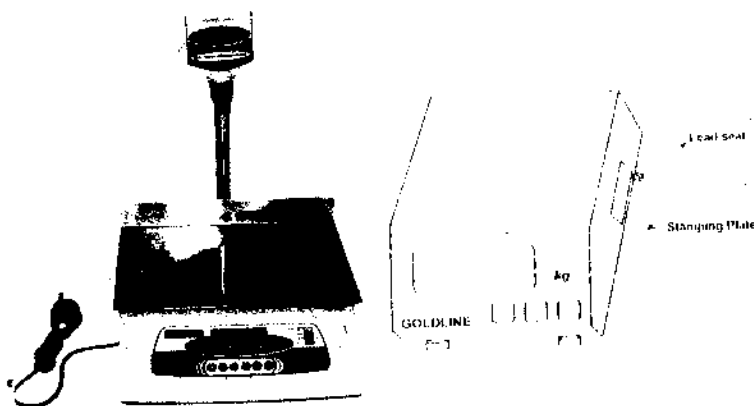


Figure 2— Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(383)/2010]

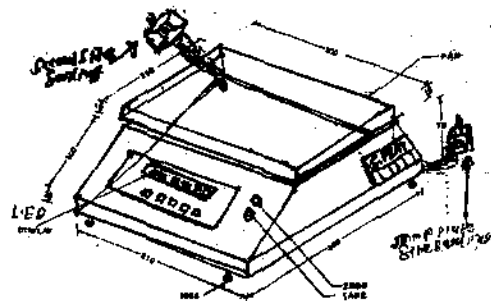
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 30 मार्च, 2011

का.आ. 962.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गिरिश स्केल कं., हर्ष वी. डोडिया, श्रीजीनगर, नियर पगजीमूलजी, पटरावाला, सावरकुण्डला द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "केटीटी-03" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "साईकल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/594 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकालकर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(264)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th, March, 2011

S.O. 963.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium accuracy (Accuracy class -III) of Series "KPF-02" and with brand name "CYCLE" (hereinafter referred to as the said Model), manufactured by M/s Girish Scale Co., Haresh V. Dodia, Shrijinagar, Near Pragjimulji, Pitravala, Savarkundla and which is assigned the approval mark IND/09/10/595;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2k. g. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts or 50Hertz alternative current power supply.

Figure-1

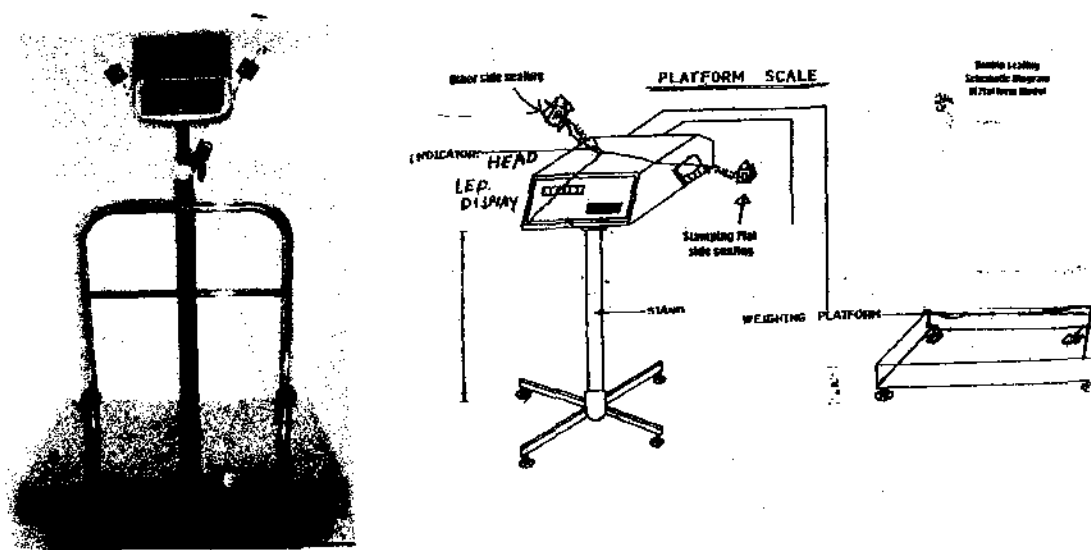


Figure 2— Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(264)/2010]

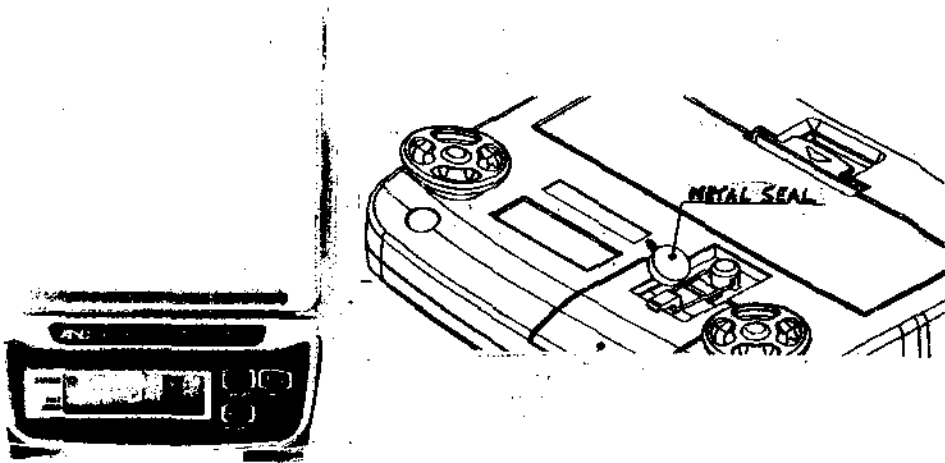
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 30 मार्च, 2011

का.आ. 964.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ए एंड डी कंपनी लिमिटेड, 3-23-14, हिगाशी, इकेबुकुरो, तोशिमा-कु, टोक्यो-170-0013 जापान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एचटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ए एन डी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स ए एंड डी इन्स्ट्रुमेंट्स इंडिया (प्रा.) लिमिटेड, 509, उद्योग विहार, फेज-V, गुडगांव-122016, हरियाणा द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/10/375 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का चार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 310 ग्रा. और न्यूनतम क्षमता 2 ग्रा. है। सत्यापन मापमान अंतराल (ई) 0.1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लिविड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} और 5×10^{-6} , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(236)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th, March, 2011

S.O. 964.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium accuracy (Accuracy class -III) of Series "HT" and with brand name "AND" (hereinafter referred to as the said Model), manufactured by M/s A & D Company Limited, 3-23-14, Higashi-Lkebukuro, Toshima-Ku., Tokyo 170-0013, Japan and marketed in India without any alteration before or after sale by M/s A & D Instruments India (P) Limited, 509 Udyog Vihar, Phase -V, Gurgaon-122016, Haryana and which is assigned the approval mark IND/09/10/375;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 310g. and minimum capacity of 2g. The verification scale interval (e) is 0.1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) display indicates the weighing results. The instrument operates on 230 Volts or 50Hertz alternative current power supply.

Figure-1

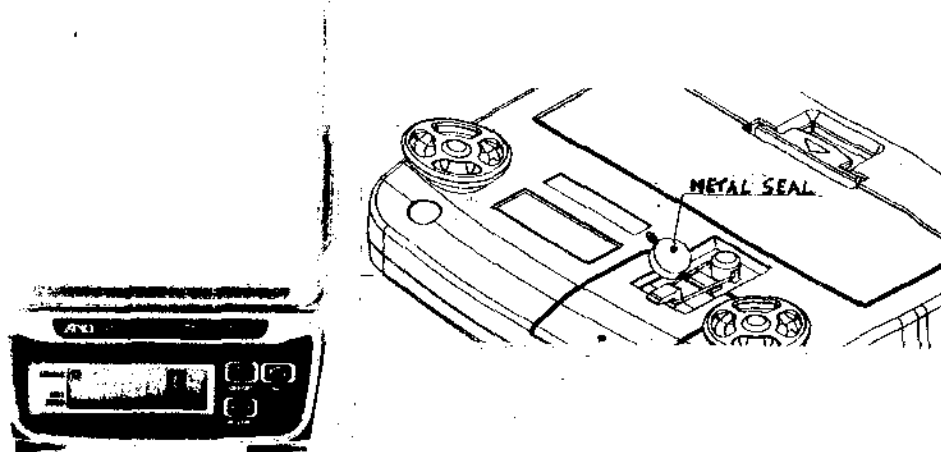


Figure 2— Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 1mg. to 2g. and with verification scale interval (n) in the range of 5000 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(236)/2010]

B. N. DIXIT, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 23 मार्च, 2011

का.आ. 965.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 2026 (भाग 7) : 2009 पॉवर ट्रांसफार्मर भाग 7 तेल निमज्जित पॉवरट्रांसफार्मरों के लदान की मार्गदर्शिका	-	28 फरवरी 2011

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

तिथि 23-03-2011

[संदर्भ : ईटी 16 /टी-57]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 23rd March, 2011

S.O. 965.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which is given in the Schedule hereto annexed has been established on the indicated against each :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 2026 (Part 7) : 2009 Power Transformers Part 7 Loading guide for oil-immersed power transformers	-	28 February, 2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Date : 23-03-2011

[Ref: ET 16/T-57]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 24 मार्च, 2011

का.आ. 966.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :-

अनुसूची

क्रम सं.	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 325:1996 तीन-फेजीय प्रेरण मोटरें- विशिष्टि (पांचवां पुनरीक्षण)	3 फरवरी, 2011	25-2-2011

इस भारतीय संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

तिथि 24-03-2011

[संदर्भ : ईटी 15/टी-1]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 24th March, 2011

S.O. 966.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards	No. and Year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 325:1996 Three-phase induction motors- specification (Fifth revision)	3 February, 2011	25-2-2011

Copy of this Amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Date : 24-03-2011

[Ref: ET 15/T-1]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 30 मार्च, 2011

का.आ. 967.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1798:2010 मिर्च एवं मसाले काली मिर्च, साबुत और पिसी-विशिष्टि (दूसरा पुनरीक्षण)	आई एस 1798:1982	31 मार्च 2010
2.	आई एस 2447:2010 मिर्च एवं मसाले सफेद जीरा, साबुत-विशिष्टि (तीसरा पुनरीक्षण)	आई एस 2447:1993	31 मार्च 2010
3.	आई एस 3576:2010 मिर्च एवं मसाले हल्दी, साबुत और पिसी-विशिष्टि (तीसरा पुनरीक्षण)	आई एस 3576:1994	30 अप्रैल 2010
4.	आई एस 4404:2010 मिर्च एवं मसाले लौंग, साबुत और पिसी-विशिष्टि (तीसरा पुनरीक्षण)	आई एस 4404:1992	31 मार्च 2010
5.	आई एस 12575:2010 तली हुई आलू चिप्स-विशिष्टि (पहला पुनरीक्षण)	आई एस 12575:1989	28 फरवरी 2010
6.	आई एस 12700:2010/आई एस ओ 3090:2004 गेहूँ, राई और संबद्ध आटा, ड्यूरम गेहूँ और ड्यूरम गेहूँ सेमोलीन- हगबर्ग-परटन के अनुसार फालिंग नम्बर ज्ञात करना- विशिष्टि (पहला पुनरीक्षण)	आई एस 12700:1988/ आई एस ओ 3093:1982	31 अगस्त 2010
7.	आई एस 15855:2010 कॉटन सीड डीलिन्टिंग मशीनरी-सर्ज बिन मशीन- विशिष्टि	-	30 अप्रैल 2010
8.	आई एस 15856:2010 कॉटन सीड डीलिन्टिंग मशीनरी-पूर्व-तापन मशीन- विशिष्टि	-	30 अप्रैल 2010
9.	आई एस 15887:2010 आधुनिक जैव प्रोद्योगिकी से व्युत्पन्न खाद्य पदार्थों के जोखिम विश्लेषण के सिद्धांत	-	28 फरवरी 2010

(1)	(2)	(3)	(4)
10.	आई एस 15888:2010 रिकॉम्बिनेन्ट-डी एन ए पौधों से व्युत्पन्न खाद्य पदार्थों के खाद्य सुरक्षा आकलन के संचालन के लिए दिशानिर्देश	-	31 मार्च 2010

इन भारतीय मानक(कों) की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चेन्नई, मुम्बई, चण्डीगढ़ तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

तिथि 03-03-2011

[संदर्भ : एफएडी/जी-128]

डा. आर. के. बजाज, वैज्ञानिक 'एफ' एवं प्रमुख (खाद्य एवं कृषि)

New Delhi, the 30th March, 2011

S.O. 967.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which is given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 1798:2010 Spices and condiments-Black pepper, Whole and ground-Specification (second revision)	IS 1798:1982	31 March 2010
2.	IS 2447:2010 Spices and condiments-Cumin (Safed Jeera) Whole-Specification (third revision)	IS 2447:1993	31 March 2010
3.	IS 3576:2010 Spices and condiments-Turmeric, Whole and ground Specification (third revision)	IS 3576:1994	30 April 2010
4.	IS 4404:2010 Spices and condiments-Cloves, Whole and ground Specification (third revision)	IS 4404:1992	31 March 2010
5.	IS 12575:2010 Fried potato chips—Specification (first revision)	IS 12575:1989	28 Feb. 2010
6.	IS 12700:2010/ISO 3093:2004 Wheat, Rye and respective flours, Durum wheat and Durum wheat semolina—Determination of the falling number according to Hagberg-Perten (first revision)	IS 12700:1988/ ISO 3093:1982	31 Aug. 2010

(1)	(2)	(3)	(4)
7.	IS 15855:2010 Cotton seed delinting machinery— Surge bin machine— Specification	-	30 April 2010
8.	IS 15856:2010 Cotton seed delinting machinery— Pre-heating machine— Specification	-	30 April 2010
9.	IS 15887:2010 Principles for the risk analysis of foods derived from modern biotechnology	-	28 February 2010
10.	IS 15888:2010 Guideline for the conduct of food safety assessment of foods derived from recombinant—DNA plants	-	31 March 2010

Copy of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Date : 30-03-2011

[Ref: FAD/G-128]

Dr. R. K. BAJAJ, Scientist 'F' and Head (Food & Agri.)

नई दिल्ली, 30 मार्च, 2011

का.आ. 968.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 710 : 2010 समुद्री उपयोग के लिए प्लाईवुड - विशिष्टि (दूसरा पुनरीक्षण)	आई एस 710:1976	1 अप्रैल 2011

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

तिथि 30-03-2011

[संदर्भ : सीईडी/राजपत्र]

ए. के. सेनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियर)

New Delhi, the 30th March, 2011

S.O. 968.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 710:2010 Marine Plywood - Specification (Second revision)	IS 710 : 1976	1 April 2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Date : 30-03-2011

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

नई दिल्ली, 30 मार्च, 2011

का.आ. 969.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 2190: 2010 प्राथमिक सहायता अग्नि शामकों का चुनाव, संस्थापन एवं रख-रखाव - रीति संहिता (चौथा पुनरीक्षण)	आई एस 2190:1992	30 नवम्बर 2010

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं ।

तिथि 30-03-2011

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 30th March, 2011

S.O. 969.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 2190 : 2010 Selection, installation and maintenance of first-aid fire extinguishers-Code of Practice (Fourth revision)	IS 2190 : 1992	30 November 2010

Copy of this standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Date : 30-03-2011

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 1 अप्रैल, 2011

का.आ. 970.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2960 तारीख 4-12-2010 द्वारा श्री एन. कन्नन, विशेष तहसीलदार को तमिलनाडु राज्य एवं पुडुचेरी केंद्र शासित प्रदेश में मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिये उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया था।

और उक्त श्री एन. कन्नन का स्थानांतरण हो गया है और श्री आर. चन्द्रशेकरन स्पेशल तहसीलदार को उनके पद पर नियुक्त किया गया है।

और उक्त श्री एन. कन्नन का मैसर्स गेल (इण्डिया) लिमिटेड में अतिरिक्त कार्यभार समाप्त कर दिया गया है।

अतः, अब, भारत सरकार उक्त अधिनियम की धारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2960 तारीख 4-12-2010 को अधिकांत करते हुए, नीचे दी गई अनुसूची के स्तंभ (1) में वर्णित व्यक्ति को उक्त मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिए निम्नलिखित अनुसूची के स्तंभ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है।

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री आर. चन्द्रशेकरन, स्पेशल तहसीलदार, मैसर्स गेल (इण्डिया) लिमिटेड में प्रतिनियुक्ति पर गेल (इण्डिया) लिमिटेड, 172, कामराजर सलाई, कराईकल - 609602	सम्पूर्ण तमिलनाडू एवं पुडुचेरी यूनियन टैरेटरी

[फा. सं. एल-14014/26/11-जी.पी.]

के. के. शर्मा, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 1st April, 2011

S.O. 970.—Whereas, in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Government of India vide Notification in the Ministry of Petroleum and Natural Gas S.O. 2960 dated 4th December, 2010 appointed Shri N. Kannan, Special Tehsildar to perform the functions of Competent Authority under the said Act for laying of pipeline by M/s. GAIL (India) Ltd., in the State of Tamil Nadu and Union Territory of Puducherry ;

And, whereas, Shri N. Kannan has been transferred and Shri R. Chandrasekaran, Special Tehsildar has been posted as his incumbent ;

And, whereas, the services of the said Shri N. Kannan with M/s. GAIL (India) Ltd., have come to an end ;

Now, therefore, in pursuance of clause (a) of Section 2 of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum and Natural Gas vide S.O. 2960 dated 4th December, 2010, Government of India hereby authorizes the person mentioned in column (1) of the schedule given below to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s. GAIL (India) Limited in the area mentioned in column (2) of the said schedule.

SCHEDULE

Name and Address of the person	Area of Jurisdiction
(1)	(2)
Shri R. Chandrasekaran, Special Tehsildar, On deputation to M/s. GAIL (India) Ltd., 172, Kamarajar Salai, Karaikal - 609602	Whole State of Tamil Nadu and Union Territory of Puducherry.

[F. No. L-14014/26/11-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 6 अप्रैल, 2011

का.आ. 971.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सलाया से उत्तर प्रदेश राज्य में मथुरा तक पेट्रोलियम कूड के परिवहन के लिए "सलाया-मुथरा पाइपलाइन के अन्तर्गत डी-बॉटलनेकिंग परियोजना" के कार्यान्वयन हेतु इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनसाधारण को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में श्री भीम सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पाइपलाइन्स प्रभाग, 33, मुक्तानन्द नगर, गोपालपुरा बाईपास, जयपुर-302018 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : बाली	जिला : पाली	राज्य : राजस्थान			
क्रम गांव का सं. नाम	खसरा संख्या	क्षेत्रफल हेक्टेयर एयर वर्ग मीटर			
(1) (2)	(3)	(4) (5) (6)			
1- नाना	265 (ग्राम पंचायत भूमि)	02 80 00			
	265/1	00 08 10			
	263/4185 (सरकारी भूमि)	00 07 20			
	263	00 11 30			
	262 (सरकारी भूमि)	00 14 80			
	261 (सरकारी भूमि)	00 05 70			
	260 (सरकारी भूमि)	00 00 60			
	245 (सरकारी भूमि)	00 10 00			
	250 (सरकारी भूमि)	00 13 50			
	246 (सरकारी भूमि)	00 14 30			
	247 (सरकारी भूमि)	00 02 20			

(1) (2)	(3)	(4) (5) (6)
1- नाना (जारी) 247/3		00 10 40
247/2		00 15 40
241 (सरकारी भूमि)		00 02 70
239/4119 (सरकारी भूमि)		00 05 30
239		00 09 40
235 (सरकारी भूमि)		00 01 00
233		00 09 40
230 (सरकारी भूमि)		00 01 00
211		00 04 00
223		00 02 20
222		00 07 40
221		00 05 10
220		00 13 50
219		00 11 40
217		00 06 20
216		00 11 60
199		00 09 20
200		00 04 40
201 (सरकारी भूमि)		00 02 20
196 (सरकारी भूमि)		00 02 30
193		00 07 20
194		00 09 70
184/4171 (सरकारी भूमि)		00 07 60
184/4211		00 05 80
184		00 02 60
133 (सरकारी भूमि)		00 01 20
114		00 10 60
118		00 08 50
119		00 14 10
121		00 14 00
122		00 19 40
124 (सरकारी भूमि)		00 09 40
125		00 13 30
127		00 08 20
128 (सरकारी भूमि)		00 01 20
52		00 11 90
52/4094		00 08 20
49		00 12 40
42		00 10 70
41		00 09 60
40		00 00 40
34 (सा.नि.वि.)		00 00 80
428 (सा.नि.वि.)		00 01 90
33 (सरकारी भूमि)		00 00 20

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
1-	नाना (जारी)	506	00	20	60	3-	वीरमपुरा	1875	00	02	50
		546	00	22	70		(जारी)	1874	00	02	60
		547	00	00	30			1873	00	06	00
		548 (सरकारी भूमि)	00	08	50			1801	00	04	40
		584	00	00	80			1804	00	03	80
		585	00	15	70			1806	00	07	20
		587	00	00	20			1864	00	05	10
		586	00	01	90			1858	00	12	60
		589	00	05	00			1809	00	00	30
		590	00	06	30			1810	00	03	20
		591	00	01	30			1857	00	06	10
2.	चामुण्डेरी	2875	00	03	70			1846	00	03	90
		2877	00	00	20			1847	00	04	20
		2876	00	06	00			1851	00	15	90
		2863	00	08	10			1850	00	03	30
		2866	00	00	20			1849	00	03	20
		2865	00	01	00			1845	00	00	20
		2864	00	03	40			1848	00	05	90
		2852	00	21	00			1847	00	08	80
		2846	00	14	00			1844/4716	00	05	40
		2847 (सरकारी भूमि)	00	02	20			1844	00	01	90
		2709	00	05	50			1842	00	05	10
		2708	00	05	00			1841	00	00	20
		2707	00	05	20			1840	00	04	70
		2710	00	00	80			1839	00	04	80
		2705	00	17	70			1837	00	09	30
		2704 (सरकारी भूमि)	00	00	20			1836	00	03	60
		2699	00	04	20			1829 (सरकारी भूमि)	00	04	60
		2700 (सरकारी भूमि)	00	07	50			1831	00	03	70
		2701	00	18	50			1830	00	01	20
		2671	00	05	00			1982 (सरकारी भूमि)	00	02	10
		2601 (सरकारी भूमि)	00	00	80			2004	00	03	80
		2552	00	01	80			2005	00	06	00
3.	वीरमपुरा	1761	00	00	20			2006	00	05	40
		1762	00	03	60			2011	00	06	50
		1763	00	06	70			2022	00	08	10
		1766	00	00	20			2024	00	00	90
		1767	00	06	40	4.	भन्दर	888	00	07	90
		1772 (सरकारी भूमि)	00	00	80			871	00	05	20
		1775	00	14	00			869	00	03	20
		1789 (सरकारी भूमि)	00	00	80			868	00	03	50
		1790	00	08	90			860	00	04	80
		1792	00	04	40			856	00	04	00
		1793	00	03	70			847	00	04	10
		1796	00	06	90			845	00	05	10
								841	00	04	00

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
4 भन्दर	840		00	03	60	5 कोठार	801		00	09	50
(जारी)	831		00	05	80	(जारी)	798		00	11	80
	829		00	05	60		799		00	00	30
	822		00	03	20		796		00	07	80
	811 (सरकारी भूमि)		00	02	70		795		00	05	90
	804		00	10	80		785		00	19	00
	805		00	03	80		786 (सरकारी भूमि)		00	00	60
	801		00	05	50	6. कुमटीया	79 (सरकारी भूमि)		00	26	50
	802		00	05	60		56		00	03	10
	643 (सरकारी भूमि)		00	05	40		55		00	06	30
	622		00	09	40		54		00	03	70
	626		00	06	30		52		00	02	40
	625		00	03	80		51		00	00	30
	636		00	11	50		49		00	03	40
	638		00	11	80		48		00	02	90
	637		00	00	40		22		00	02	00
	640		00	06	50		21		00	02	20
	641		00	00	20		20		00	02	00
	778		00	00	20		19		00	02	70
	775		00	06	00		17		00	01	20
	774 (सरकारी भूमि)		00	01	60	7. बेंडा	1267		00	01	80
	644		00	04	50		1268		00	02	30
	646		00	03	90		1269		00	01	90
	645		00	00	20		1280		00	00	20
	648		00	03	70		1279		00	00	90
	649		00	04	30		1270		00	04	10
	650		00	04	10		1278		00	00	20
	652 (सरकारी भूमि)		00	01	10		1271		00	01	90
	653		00	05	20		1272		00	00	20
	658		00	04	50		1274		00	04	30
	659 (सरकारी भूमि)		00	00	90		1273		00	01	90
	663		00	05	20		1254 (सरकारी भूमि)		00	01	80
	664		00	06	20		1251		00	08	60
	665 (सरकारी भूमि)		00	01	70		1248		00	02	80
	666		00	04	70		1247		00	02	30
	668		00	04	30		1246		00	02	50
	669		00	08	40		1244		00	06	30
	670		00	11	70		1242		00	00	70
	672		00	10	70		1240		00	01	10
	679		00	00	60		1252		00	00	20
	677		00	33	30		1235		00	02	40
	676		00	00	20		1236		00	10	20
5. कोठार	822		00	01	80		1224		00	00	90
	815		00	10	80		1220		00	00	70
	814		00	05	30		1223		00	03	50
							1221		00	06	10

1) (2)	(3)	(4)	(5)	(6)	(1) (2)	(3)	(4)	(5)	(6)
7. बेडा (जारी)	1212	00	01	30	7. बेडा (जारी)	3773	00	07	90
	1211 (सरकारी भूमि)	00	09	60		3790/4748	00	30	10
	1206	00	01	40		3789 (सरकारी भूमि)	00	02	90
	1209	00	04	40		3782 (सरकारी भूमि)	00	15	50
	1208	00	06	20	8. भादुन्	849	00	00	80
	1202	00	12	50		848 (सरकारी भूमि)	00	01	70
	717	00	13	40		834	00	13	10
	718 (सरकारी भूमि)	00	03	90		842	00	09	50
	713 (सरकारी भूमि)	00	01	80		833 (सरकारी भूमि)	00	08	10
	688 (सरकारी भूमि)	00	06	70		515	00	00	80
	711	00	02	50		516	00	07	80
	689	00	04	20		518	00	04	00
	710	00	05	50		549	00	03	60
	696	00	08	10		551	00	00	50
	698	00	00	60		552	00	04	20
	851	00	19	70		553	00	04	20
	859 (सरकारी भूमि)	00	02	00		554	00	04	90
	877	00	14	80		555	00	04	80
	849	00	15	40		573	00	07	70
	847	00	02	80		571	00	03	20
	846	00	02	40		572	00	59	70
	842	00	01	60		649 (सरकारी भूमि)	00	05	10
	841	00	06	90		600	00	07	60
	939 (सरकारी भूमि)	00	05	80		792	00	01	90
	3669/4767	00	07	70		793	00	01	20
	3669/4768	00	11	90		789	00	09	10
	3669/5023	00	09	40		766 (सरकारी भूमि)	00	01	70
	3669/5030	00	05	00		669	00	13	20
	3669	00	12	40		670	00	05	60
	3670	00	22	70		686	00	03	50
	3671	00	00	60		685	00	03	70
	3672	00	08	30		684	00	00	20
	3676	00	03	20		674	00	00	40
	3678	00	02	60		675	00	05	10
	3677	00	11	90		677	00	01	80
	3740	00	11	60		679	00	00	20
	3742/1	00	21	40		753	00	03	10
	3741	00	30	70		719 (सरकारी भूमि)	00	01	20
	3749	00	03	00		700	00	00	20
	3752	00	23	80		704	00	12	20
	3751	00	09	00		703	00	08	50
	3754	00	06	50		707	00	13	00
	3755/4964	00	41	30		649 (सरकारी भूमि)	00	00	40
	3773/1	00	07	10		359 (सरकारी भूमि)	00	14	10
	3773/2	00	12	80		243	00	03	20

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
8.	भाटुन्द	242	00	04	20	9.	बीजापुर	261 (सरकारी भूमि)	00	02	70
	(जारी)	248	00	10	10		(जारी)	407	00	04	70
		253	00	04	20			371 (सरकारी भूमि)	00	03	20
		254	00	02	90			330	00	06	90
		255	00	02	40			331	00	06	70
		261	00	03	80			405 (सरकारी भूमि)	00	05	90
		260	00	03	00			372	00	10	90
		267	00	02	60			402	00	15	90
		268	00	06	40			379	00	20	50
		269 (सरकारी भूमि)	00	00	60			377	00	12	90
		280	00	05	20			568 (सरकारी भूमि)	00	02	40
		286	00	06	30			621	00	07	10
		287	00	00	20			621/1	00	06	00
		290	00	04	20			623	00	01	00
		285	00	01	30			695/2	00	07	80
		298	00	01	60			695/1	00	10	30
		299	00	04	20			695	00	08	30
		300	00	03	70			694	00	02	50
		144	00	02	60			696	00	10	00
		143	00	05	70			697	00	07	90
		303	00	06	50			698	00	00	30
		142	00	02	40			692	00	01	00
		141	00	04	90			691	00	02	60
		140	00	05	00			690	00	02	80
		138 (ग्राम पंचायत भूमि)	00	02	90			689	00	03	50
		139 (सरकारी भूमि)	00	00	90			688	00	02	70
		1081 (सरकारी भूमि)	00	15	50			687	00	03	00
		1078	00	04	60			686	00	05	80
		1079	00	09	60			685	00	03	30
		1083 (सरकारी भूमि)	00	01	80			684	00	02	20
		1089	00	14	50			683/1	00	03	30
		1090	00	23	60			682/1	00	02	90
		1092	00	03	00			681	00	02	80
		1093 (सरकारी भूमि)	00	01	60			680/1	00	03	40
		1094	00	08	10			679	00	05	60
9.	बीजापुर	158	00	05	50			678	00	02	00
		159	00	08	30			677	00	03	40
		156	00	17	00			676	00	03	40
		257	00	16	20			675	00	02	90
		155 (सरकारी भूमि)	00	03	20			674	00	03	60
		148	00	01	70			673	00	02	40
		258	00	05	70			672	00	05	90
		145	00	07	00			671	00	03	20
		146	00	00	40			670	00	03	00
		142	00	08	60			669	00	02	10
						10.	पादरला	4 (सरकारी भूमि)	00	57	50

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
13.	बारवा	505	00	10	50	13.	बारवा	737	00	03	30
	(जारी)	506	00	00	20		(जारी)	735	00	01	00
		424	00	07	90			745	00	03	30
		422	00	00	20			744	00	06	80
		426	00	03	30			743	00	09	60
		420	00	02	80			756	00	00	80
		427	00	07	90			742	00	13	00
		428	00	02	20			757	00	01	10
		472	00	00	20	14.	लुणावा	172 (सरकारी भूमि)	00	01	20
		490	00	01	40			182	00	03	30
		491	00	01	30			183	00	00	40
		488	00	05	10			200	00	00	40
		487	00	06	80			201/1	00	03	00
		486	00	04	30			210/1	00	00	40
		474	00	01	00			202	00	00	60
		477	00	04	20			205	00	05	80
		479	00	05	10			204	00	06	20
		478	00	01	60	15.	सेसली	769	00	02	60
		481	00	08	20			768	00	02	60
		342 (सरकारी भूमि)	00	05	90			762	00	01	40
		340 (ग्राम पंचायत भूमि)	00	09	70			770 (सरकारी भूमि)	00	05	10
		654 (सरकारी भूमि)	00	00	50			760	00	02	60
		655 (सा.नि.वि.)	00	01	70			758	00	02	60
		656 (ग्राम पंचायत भूमि)	00	12	30			757	00	00	30
		1094	00	22	10			775	00	00	20
		1093 (सरकारी भूमि)	00	01	80			738 (सरकारी भूमि)	00	00	80
		806	00	04	40			737	00	00	40
		819	00	06	40			777	00	11	20
		818	00	01	60			815	00	02	90
		820	00	00	50			812	00	01	90
		821	00	05	40			811	00	02	20
		822	00	10	10			810	00	02	80
		823	00	11	00			838 (सरकारी भूमि)	00	19	80
		824	00	11	00			965	00	02	20
		1075	00	06	90			966	00	07	30
		1074	00	03	40			967	00	02	20
		825 (सरकारी भूमि)	00	00	60			968	00	01	10
		830	00	11	20			960	00	00	40
		829	00	00	20			845	00	06	10
		833	00	01	20			846	00	00	90
		834	00	10	10			847	00	02	20
		785 (सरकारी भूमि)	00	00	40			947	00	05	30
		729	00	04	20			946 (सरकारी भूमि)	00	01	10
		730	00	02	70			943 (सरकारी भूमि)	00	07	90
		718	00	02	50			856	00	11	30

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
17.	कोटवालीयान	735	00	02	80	18.	सादलवा	152	00	00	60
	(जारी)	697	00	04	80		(जारी)	144	00	02	40
		700	00	08	80			145	00	14	70
		699	00	04	90	19.	टीपरी	493/2	00	19	80
		657	00	13	20			493/12	00	15	90
		642	00	12	40			488	00	01	00
		644	00	10	00			485	00	24	00
		648	00	14	50			484	00	23	00
		646	00	11	90			473	00	25	80
18.	सादलवा	88	00	00	90			470	00	07	70
		87	00	03	20			469	00	04	80
		86	00	01	60			468	00	06	10
		85	00	02	40			467	00	06	10
		84	00	02	20			466	00	06	10
		83	00	03	40	20.	मुन्डारा	1	00	04	20
		82	00	03	70	21.	भीटवाड़ा	142 (सरकारी भूमि)	00	00	90
		81	00	02	50			347/1	00	14	80
		80	00	01	40			343 (सरकारी भूमि)	00	42	70
		74	00	00	20			342 (ग्राम पंचायत भूमि)	00	11	00
		114 (ग्राम पंचायत भूमि)	00	20	90			341 (सरकारी भूमि)	00	02	20
		114/5	00	09	40			340 (सरकारी भूमि)	00	12	60
		275/291 (सरकारी भूमि)	00	01	80			281 (ग्राम पंचायत भूमि)	00	74	50
		275 (ग्राम पंचायत भूमि)	00	07	80			890	00	00	70
		125 (सरकारी भूमि)	00	01	00			889	00	01	30
		234 (सरकारी भूमि)	00	04	40			965 (सरकारी भूमि)	00	01	60
		239/315 (सरकारी भूमि)	00	02	50			991	00	04	60
		239	00	00	80			990	00	00	20
		238	00	05	40			862 (सरकारी भूमि)	00	14	40
		236	00	02	40			760	00	03	70
		237	00	07	30			759 (सरकारी भूमि)	00	00	80
		233 (सरकारी भूमि)	00	00	70			773	00	07	10
		213	00	04	20			777	00	05	00
		216/313	00	10	00			778	00	02	20
		213/312	00	00	20			779	00	01	80
		216	00	07	40			784	00	05	30
		217	00	07	10			785	00	02	40
		220	00	07	60			788	00	00	20
		197 (सरकारी भूमि)	00	02	40			786	00	00	60
		196	00	07	00			787	00	02	60
		182	00	08	00			792	00	08	00
		181	00	04	80			794	00	05	00
		180	00	02	60			797	00	05	30
		177 (सरकारी भूमि)	00	01	80			801	00	06	70
		161	00	30	70			802	00	04	40
		153	00	16	70						

New Delhi the 6th April, 2011

S. O. 971.— Whereas it appears to the Central Government, that it is necessary in the public interest that for the transportation of petroleum crude a pipeline from Salaya in the State of Gujarat to Mathura in the State of Uttar Pradesh, (Under Salaya-Mathura Pipeline De-bottlenecking Project) should be laid by the Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of User therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of User therein or laying of the pipeline under the land to Shri Bhim Singh, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), 33, Muktanand Nagar, Gopalpura Bypass, Jaipur-302018 (Rajasthan).

SCHEDULE

Tehsil : Bali		District : Pali		State : Rajasthan	
Sl. No	Name of Village	Khasra No.	Area		
			Hec-tare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)
1.	Nana	265 (Gram Panchayat Land)	02	80	00
		265/1	00	08	10
		263/4185 (Govt. Land)	00	07	20
		263	00	11	30
		262 (Govt. Land)	00	14	80
		261 (Govt. Land)	00	05	70
		260 (Govt. Land)	00	00	60
		245 (Govt. Land)	00	10	00
		250 (Govt. Land)	00	13	50
		246 (Govt. Land)	00	14	30
		247 (Govt. Land)	00	02	20
		247/3	00	10	40
		247/2	00	15	40

(1)	(2)	(3)	(4)	(5)	(6)
1.	Nana	241 (Govt. Land)	00	02	70
	(contd.)	239/4119 (Govt. Land)	00	05	30
		239	00	09	40
		235 (Govt. Land)	00	01	00
		233	00	09	40
		230 (Govt. Land)	00	01	00
		211	00	04	00
		223	00	02	20
		222	00	07	40
		221	00	05	10
		220	00	13	50
		219	00	11	40
		217	00	06	20
		216	00	11	60
		199	00	09	20
		200	00	04	40
		201 (Govt. Land)	00	02	20
		196 (Govt. Land)	00	02	30
		193	00	07	20
		194	00	09	70
		184/4171 (Govt. Land)	00	07	60
		184/4211	00	05	80
		184	00	02	60
		133 (Govt. Land)	00	01	20
		114	00	10	60
		118	00	08	50
		119	00	14	10
		121	00	14	00
		122	00	19	40
		124 (Govt. Land)	00	09	40
		125	00	13	30
		127	00	08	20
		128 (Govt. Land)	00	01	20
		52	00	11	90
		52/4094	00	08	20
		49	00	12	40
		42	00	10	70
		41	00	09	60
		40	00	00	40
		34 (P.W.D.)	00	00	80
		428 (P.W.D.)	00	01	90
		33 (Govt. Land)	00	00	20
		506	00	20	60
		546	00	22	70
		547	00	00	30
		548 (Govt. Land)	00	08	50

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
1. Nana	584		00	00	80	3. Virampura	1806		00	07	20
(contd.)	585		00	15	70	(contd.)	1864		00	05	10
	587		00	00	20		1858		00	12	60
	586		00	01	90		1809		00	00	30
	589		00	05	00		1810		00	03	20
	590		00	06	30		1857		00	06	10
	591		00	01	30		1946		00	03	90
2. Chamun-	2875		00	03	70		1947		00	04	20
deri	2877		00	00	20		1851		00	15	90
	2876		00	06	00		1850		00	03	30
	2863		00	08	10		1849		00	03	20
	2866		00	00	20		1845		00	00	20
	2865		00	01	00		1848		00	05	90
	2864		00	03	40		1847		00	08	80
	2852		00	21	00		1844/4716		00	05	40
	2846		00	14	00		1844		00	01	90
	2847 (Govt. Land)		00	02	20		1842		00	05	10
	2709		00	05	50		1841		00	00	20
	2708		00	05	00		1840		00	04	70
	2707		00	05	20		1839		00	04	80
	2710		00	00	80		1837		00	09	30
	2705		00	17	70		1836		00	03	60
	2704 (Govt. Land)		00	00	20		1829 (Govt. Land)		00	04	60
	2699		00	04	20		1831		00	03	70
	2700 (Govt. Land)		00	07	50		1830		00	01	20
	2701		00	18	50		1982 (Govt. Land)		00	02	10
	2671		00	05	00		2004		00	03	80
	2601 (Govt. Land)		00	07	80		2005		00	06	00
	2552		00	01	80		2006		00	05	40
3. Virampura	1761		00	00	20		2011		00	06	50
	1762		00	03	60		2022		00	08	10
	1763		00	06	70		2024		00	00	90
	1766		00	00	20	4. Bhandar	888		00	07	90
	1767		00	06	40		871		00	05	20
	1772 (Govt. Land)		00	00	80		869		00	03	20
	1775		00	14	00		868		00	03	50
	1789 (Govt. Land)		00	00	80		860		00	04	80
	1790		00	08	90		856		00	04	00
	1792		00	04	40		847		00	04	10
	1793		00	03	70		845		00	05	10
	1796		00	06	90		841		00	04	00
	1875		00	02	50		840		00	03	60
	1874		00	02	60		831		00	05	80
	1873		00	06	00		829		00	05	60
	1801		00	04	40						
	1804		00	03	80						

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
4. Bhandar	822		00	03	20	5. Kothar	795		00	05	90
(contd.)	811 (Govt. Land)		00	02	70	(contd.)	785		00	19	00
	804		00	10	80		786 (Govt. Land)		00	00	60
	805		00	03	80	6. Kumtiya	79 (Govt. Land)		00	26	50
	801		00	05	50		56		00	03	10
	802		00	05	60		55		00	06	30
	643 (Govt. Land)		00	05	40		54		00	03	70
	622		00	09	40		52		00	02	40
	626		00	06	30		51		00	00	30
	625		00	03	80		49		00	03	40
	636		00	11	50		48		00	02	90
	638		00	11	80		22		00	02	00
	637		00	00	40		21		00	02	20
	640		00	06	50		20		00	02	00
	641		00	00	20		19		00	02	70
	778		00	00	20		17		00	01	20
	775		00	06	00	7. Bera	1267		00	01	80
	774 (Govt. Land)		00	01	60		1268		00	02	30
	644		00	04	50		1269		00	01	90
	646		00	03	90		1280		00	00	20
	645		00	00	20		1279		00	00	90
	648		00	03	70		1270		00	04	10
	649		00	04	30		1278		00	00	20
	650		00	04	10		1271		00	01	90
	652 (Govt. Land)		00	01	10		1272		00	00	20
	653		00	05	20		1274		00	04	30
	658		00	04	50		1273		00	01	90
	659 (Govt. Land)		00	00	90		1254 (Govt. Land)		00	01	80
	663		00	05	20		1251		00	08	60
	664		00	06	20		1248		00	02	80
	665 (Govt. Land)		00	01	70		1247		00	02	30
	666		00	04	70		1246		00	02	50
	668		00	04	30		1244		00	06	30
	669		00	08	40		1242		00	00	70
	670		00	11	70		1240		00	01	10
	672		00	10	70		1252		00	00	20
	679		00	00	60		1235		00	02	40
	677		00	33	30		1236		00	10	20
	676		00	00	20		1224		00	00	90
5. Kothar	822		00	01	80		1220		00	00	70
	815		00	10	80		1223		00	03	50
	814		00	05	30		1221		00	06	10
	801		00	09	50		1212		00	01	30
	798		00	11	80		1211 (Govt. Land)		00	09	60
	799		00	00	30		1206		00	01	40
	796		00	07	80		1209		00	04	40

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
7. Bera	1208		00	06	20	8. Bhatoond	848 (Govt. Land)		00	01	70
(contd.)	1202		00	12	50	(contd.)	834		00	13	10
	717		00	13	40		842		00	09	50
	718 (Govt. Land)		00	03	90		833 (Govt. Land)		00	08	10
	713 (Govt. Land)		00	01	80		515		00	00	80
	688 (Govt. Land)		00	06	70		516		00	07	80
	711		00	02	50		518		00	04	00
	689		00	04	20		549		00	03	60
	710		00	05	50		551		00	00	50
	696		00	08	10		552		00	04	20
	698		00	00	60		553		00	04	20
	851		00	19	70		554		00	04	90
	859 (Govt. Land)		00	02	00		555		00	04	80
	877		00	14	80		573		00	07	70
	849		00	15	40		571		00	03	20
	847		00	02	80		572		00	59	70
	846		00	02	40		649 (Govt. Land)		00	05	10
	842		00	01	60		600		00	07	60
	841		00	06	90		792		00	01	90
	939 (Govt. Land)		00	05	80		793		00	01	20
	3669/4767		00	07	70		789		00	09	10
	3669/4768		00	11	90		766 (Govt. Land)		00	01	70
	3669/5023		00	09	40		669		00	13	20
	3669/5030		00	05	00		670		00	05	60
	3669		00	12	40		686		00	03	50
	3670		00	22	70		685		00	03	70
	3671		00	00	60		684		00	00	20
	3672		00	08	30		674		00	00	40
	3676		00	03	20		675		00	05	10
	3678		00	02	60		677		00	01	80
	3677		00	11	90		679		00	00	20
	3740		00	11	60		753		00	03	10
	3742/1		00	21	40		719 (Govt. Land)		00	01	20
	3741		00	30	70		700		00	00	20
	3749		00	03	00		704		00	12	20
	3752		00	23	80		703		00	08	50
	3751		00	09	00		707		00	13	00
	3754		00	06	50		649 (Govt. Land)		00	00	40
	3755/4964		00	41	30		359 (Govt. Land)		00	14	10
	3773/1		00	07	10		243		00	03	20
	3773/2		00	12	80		242		00	04	20
	3773		00	07	90		248		00	10	10
	3790/4748		00	30	10		253		00	04	20
	3789 (Govt. Land)		00	02	90		254		00	02	90
	3782 (Govt. Land)		00	15	50		255		00	02	40
8. Bhatoond	849		00	00	80		261		00	03	80

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
8. Bhatoond	260		00	03	00	9. Beejapur	402		00	15	90
(contd.)	267		00	02	60	(contd.)	379		00	20	50
	268		00	06	40		377		00	12	90
	269 (Govt. Land)		00	00	60		568 (Govt. Land)		00	02	40
	280		00	05	20		621		00	07	10
	286		00	06	30		621/1		00	06	00
	287		00	00	20		623		00	01	00
	290		00	04	20		695/2		00	07	80
	285		00	01	30		695/1		00	10	30
	298		00	01	60		695		00	08	30
	299		00	04	20		694		00	02	50
	300		00	03	70		696		00	10	00
	144		00	02	60		697		00	07	90
	143		00	05	70		698		00	00	30
	303		00	06	50		692		00	01	00
	142		00	02	40		691		00	02	60
	141		00	04	90		690		00	02	80
	140		00	05	00		689		00	03	50
	138 (Gram Panchayat Land)		00	02	90		688		00	02	70
	139 (Govt. Land)		00	00	90		687		00	03	00
	1081 (Govt. Land)		00	15	50		686		00	05	80
	1878		00	04	60		685		00	03	30
	1079		00	09	60		684		00	02	20
	1083 (Govt. Land)		00	01	80		683/1		00	03	30
	1069		00	14	50		682/1		00	02	90
	1090		00	23	60		681		00	02	80
	1092		00	03	00		680/1		00	03	40
	1093 (Govt. Land)		00	01	60		679		00	05	60
	1094		00	08	10		678		00	02	00
9. Beejapur	158		00	05	50		677		00	03	40
	159		00	08	30		676		00	03	40
	156		00	17	00		675		00	02	90
	257		00	16	20		674		00	03	60
	155 (Govt. Land)		00	03	20		673		00	02	40
	148		00	01	70		672		00	05	90
	258		00	05	70		671		00	03	20
	145		00	07	00		670		00	03	00
	146		00	00	40		669		00	02	10
	142		00	08	60	10. Padarla	4 (Govt. Land)		00	57	50
	261 (Govt. Land)		00	02	70		564 (Govt. Land)		00	02	60
	407		00	04	70		553		00	02	30
	371 (Govt. Land)		00	03	20		550		00	04	60
	330		00	06	90		545/2		00	12	00
	331		00	06	70		544		00	04	00
	405 (Govt. Land)		00	05	90		543		00	04	00
	372		00	10	90		542		00	03	60

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
10. Padarla	541		00	04	20	11. Sewari	642 (Govt. Land)		00	01	10
(contd.)	538		00	08	80	(contd.)	598		00	00	20
	536		00	05	10		643		00	15	00
	535 (Govt. Land)		00	03	10		792 (Govt. Land)		00	00	80
	531		00	07	20		945		00	03	60
	366		00	11	10		958		00	03	10
	362 (Govt. Land)		00	00	90		957		00	02	30
	18		00	06	90		946		00	06	80
	21		00	08	00		956		00	01	50
	24		00	06	00		955		00	00	90
	25		00	00	20		954		00	01	50
	27		00	04	80		947		00	04	90
	29		00	06	40		952		00	01	80
11. Sewari	218		00	06	60		948		00	04	90
	217		00	06	30		951		00	02	00
	216		00	05	90		949		00	04	50
	312		00	07	40		950		00	02	70
	311		00	00	30		882		00	19	80
	314		00	06	70		881		00	49	30
	315		00	06	80		874 (Govt. Land)		00	01	80
	319		00	00	20		869		00	24	50
	320		00	12	00	12. Patawa	12 (Gram Panchayat Land)		00	16	80
	176		00	09	20		13 (P.W.D.)		00	06	20
	177		00	01	60		14 (Gram Panchayat Land)		00	10	70
	173 (Irrigation Dept.)		00	00	60		21 (Govt. Land)		00	01	40
	171		00	07	20		22 (Gram Panchayat Land)		00	35	10
	78		00	12	20		18		00	00	70
	83		00	09	80		25 (Govt. Land)		00	00	60
	84		00	10	40		28 (Govt. Land)		00	00	40
	457 (Govt. Land)		00	02	80		19		00	00	20
	497		00	00	40		20 (Govt. Land)		00	00	20
	498		00	10	80		31		00	36	40
	499		00	05	60	13. Barwa	536 (Gram Panchayat Land)		00	20	60
	500		00	06	20		535 (P.W.D.)		00	02	60
	503		00	09	20		380 (Gram Panchayat Land)		00	28	80
	545		00	02	00		509		00	15	40
	506		00	02	70		510		00	04	80
	507		00	06	70		505		00	10	50
	509		00	03	40		506		00	00	20
	513		00	03	40		424		00	07	90
	514		00	03	00		422		00	00	20
	515		00	04	00		426		00	03	30
	516		00	04	40		420		00	02	80
	517		00	04	00		427		00	07	90
	518		00	03	50		428		00	02	20
	597		00	19	30		472		00	00	20

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
13.	Barwa	490	00	01	40	14.	Lunawa	172 (Govt. Land)	00	01	20
	(contd.)	491	00	01	30			182	00	03	30
		488	00	05	10			183	00	00	40
		487	00	06	80			200	00	00	40
		486	00	04	30			201/1	00	03	00
		474	00	01	00			210/1	00	00	40
		477	00	04	20			202	00	00	60
		479	00	05	10			205	00	05	80
		478	00	01	60			204	00	06	20
		481	00	08	20	15.	Sesli	769	00	02	60
		342 (Govt. Land)	00	05	90			768	00	02	60
		340 (Gram Panchayat Land)	00	09	70			762	00	01	40
		654 (Govt. Land)	00	00	50			770 (Govt. Land)	00	05	10
		655 (P.W.D.)	00	01	70			760	00	02	60
		656 (Gram Panchayat Land)	00	12	30			758	00	02	60
		1094	00	22	10			757	00	00	30
		1093 (Govt. Land)	00	01	80			775	00	00	20
		806	00	04	40			738 (Govt. Land)	00	00	80
		819	00	06	40			737	00	00	40
		818	00	01	60			777	00	11	20
		820	00	00	50			815	00	02	90
		821	00	05	40			812	00	01	90
		822	00	10	10			811	00	02	20
		823	00	11	00			810	00	02	80
		824	00	11	00			838 (Govt. Land)	00	19	80
		1075	00	06	90			965	00	02	20
		1074	00	03	40			966	00	07	30
		825 (Govt. Land)	00	00	60			967	00	02	20
		830	00	11	20			968	00	01	10
		829	00	00	20			960	00	00	40
		833	00	01	20			845	00	06	10
		834	00	10	10			846	00	00	90
		785 (Govt. Land)	00	00	40			847	00	02	20
		729	00	04	20			947	00	05	30
		730	00	02	70			946 (Govt. Land)	00	01	10
		718	00	02	50			943 (Govt. Land)	00	07	90
		737	00	03	30			856	00	11	30
		735	00	01	00			855 (Govt. Land)	00	01	20
		745	00	03	30			854	00	14	60
		744	00	06	80			860	00	04	30
		743	00	09	60			509 (Govt. Land)	00	01	80
		756	00	00	80			505	00	00	30
		742	00	13	00			507	00	07	10
		757	00	01	10						

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
16. Punadiya	187		00	07	40	17. Kotbaliyan	1045/2		00	04	70
(contd.)	188 (Govt. Land)		00	02	50	(contd.)	1045/1		00	04	70
	552 (Govt. Land)		00	07	00		1045		00	04	70
	551 (Govt. Land)		00	05	30		1057		00	02	00
	549/1 (Govt. Land)		00	05	40		1094 (Govt. Land)		00	03	08
	549		00	08	00		1093		00	00	30
	215 (Govt. Land)		00	00	70		1101 (Govt. Land)		00	00	70
	536		00	03	50		1110		00	04	40
	533 (Govt. Land)		00	03	60		1113		00	12	60
	532 (Govt. Land)		00	03	60		1114		00	12	80
	531		00	09	20		1115		00	00	80
	524		00	02	10		1112		00	04	50
	523		00	06	30		1117		00	03	60
	519 (Govt. Land)		00	00	80		1118 (Gram Panchayat Land)		00	03	60
	517		00	06	70		1125 (Govt. Land)		00	04	00
	362		00	03	00		1176/15		00	02	40
	364		00	05	70		1176/16		00	02	40
	363		00	02	60		1176/12		00	00	90
	367		00	05	20		1176/11		00	00	20
	227 (Govt. Land)		00	01	10		1176/10		00	04	00
	340		00	03	00		1176/9		00	00	20
	338		00	31	50		1176/6		00	02	40
	334		00	09	30		1176/5		00	01	10
	333		00	04	00		1176/4		00	00	20
	333/662 (Govt. Land)		00	00	80		1176/2		00	00	80
	315 (Govt. Land)		00	01	20		1176/1		00	00	70
	237 (Gram Panchayat Land)		00	05	50		1016 (P.W.D.)		00	06	20
	244		00	03	00		966 (Govt. Land)		00	17	00
	245		00	14	40		990		00	04	80
	248 (Govt. Land)		00	01	20		991		00	00	20
	251		00	00	40		989 (Govt. Land)		00	01	00
	250		00	09	90		980		00	09	30
	260		00	24	30		983		00	00	80
	261		00	01	00		982		00	05	20
	262 (Govt. Land)		00	01	60		985		00	01	70
	281		00	03	30		1002 (Govt. Land)		00	02	10
	286		00	08	90		725		00	03	70
	287		00	05	30		726		00	09	00
17. Kotbaliyan	1039 (Govt. Land)		00	02	10		729		00	09	40
	1041 (Gram Panchayat Land)		00	42	40		730		00	02	80
	1042 (Govt. Land)		00	02	10		734		00	03	00

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
17.	Kotbaliyan	735	00	02	80	18.	Sadalwa	144	00	02	40
	(contd.)	697	00	04	80		(contd.)	145	00	14	70
		700	00	08	80	19.	Teepri	493/2	00	19	80
		699	00	04	90			493/12	00	15	90
		657	00	13	20			488	00	01	00
		642	00	12	40			485	00	24	00
		644	00	10	00			484	00	23	00
		648	00	14	50			473	00	25	80
		646	00	11	90			470	00	07	70
18.	Sadalwa	88	00	00	90			469	00	04	80
		87	00	03	20			468	00	06	10
		86	00	01	60			467	00	06	10
		85	00	02	40			466	00	06	10
		84	00	02	20	20.	Mundara	1	00	04	20
		83	00	03	40	21.	Bheetwara	142 (Govt. Land)	00	00	90
		82	00	03	70			347/1	00	14	80
		81	00	02	50			343 (Govt. Land)	00	42	70
		80	00	01	40			342 (Gram Panchayat Land)	00	11	00
		74	00	00	20			341 (Govt. Land)	00	02	20
		114 (Gram Panchayat Land)	00	20	90			340 (Govt. Land)	00	12	60
		114/5	00	09	40			281 (Gram Panchayat Land)	00	74	50
		275/291 (Govt. Land)	00	01	80			890	00	00	70
		275 (Gram Panchayat Land)	00	07	80			889	00	01	30
		125 (Govt. Land)	00	01	00			965 (Govt. Land)	00	01	60
		234 (Govt. Land)	00	04	40			991	00	04	60
		239/315 (Govt. Land)	00	02	50			990	00	00	20
		239	00	00	80			862 (Govt. Land)	00	14	40
		238	00	05	40			760	00	03	70
		236	00	02	40			759 (Govt. Land)	00	00	80
		237	00	07	30			773	00	07	10
		233 (Govt. Land)	00	00	70			777	00	05	00
		213	00	04	20			778	00	02	20
		216/313	00	10	00			779	00	01	80
		213/312	00	00	20			784	00	05	30
		216	00	07	40			785	00	02	40
		217	00	07	10			788	00	00	20
		220	00	07	60			786	00	00	60
		197 (Govt. Land)	00	02	40			787	00	02	60
		196	00	07	00			792	00	08	00
		182	00	08	00			794	00	05	00
		181	00	04	80			797	00	05	30
		180	00	02	60			801	00	06	70
		177 (Govt. Land)	00	01	80			802	00	04	40
		161	00	30	70						
		153	00	16	70						
		152	00	00	60						

नई दिल्ली, 6 अप्रैल, 2011

का.आ. 972.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में सलाया से उत्तर प्रदेश राज्य में मथुरा तक पेट्रोलियम कूड के परिवहन के लिए "सलाया-मथुरा पाइपलाइन के अंतर्गत डी-बॉटलनेकिंग परियोजना" के कार्यान्वयन हेतु इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जन साधारण को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री भीम सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पाइपलाइन प्रभाग, 33, मुक्तानंद नगर, गोपालपुरा बाईपास, जयपुर-302018 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : आबूरोड जिला : सिरोंही		राज्य : राजस्थान			
क्रम गांव का सं. नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग	मीटर
(1) (2)	(3)	(4)	(5)	(6)	
1 सांतपुर	996	00	15	10	
	994	00	04	20	
	1492/923	00	34	30	
	921	00	02	90	
	922	00	02	30	
	903 (सरकारी भूमि)	00	02	40	
	907	00	03	00	
	905	00	04	20	
	908/1341 (सरकारी भूमि)	00	09	40	
	904	00	11	70	
	902	00	04	40	
	900	00	05	60	
	899	00	11	20	

(1) (2)	(3)	(4)	(5)	(6)
1 सांतपुर	895	00	03	70
(जारी)	896	00	07	30
	894	00	01	80
	887	00	07	70
	879	00	00	70
	881	00	08	60
	880	00	10	30
	851/1336 (सरकारी भूमि)	00	35	20
	866	00	02	00
	855	00	02	50
	854	00	05	40
	856	00	06	10
	919 (जन भूमि)	00	14	20
	919/1342 (सरकारी भूमि)	00	02	30
	920	00	08	10
2 ओड	26	00	01	20
	34	00	00	50
3 मोरथला	51	00	00	20
	52	00	01	40
	46	00	14	60
	45	00	13	00
4 किवरली	965	00	00	20
	847	00	02	70
	871 (सरकारी भूमि)	00	06	50
	866	00	11	40
	865	00	05	90
	864	00	13	50
	858 (सरकारी भूमि)	00	00	80
	857 (सरकारी भूमि)	00	03	10
	856	00	04	00

[फा. सं. आर-25011/10/2011-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 6th April, 2011

S.O. 972.—Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of petroleum crude a pipeline from Salaya in the State of Gujarat to Mathura in the State of Uttar Pradesh, (Under Salaya-Mathura Pipeline De-bottlenecking Project) should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land, to Shri Bham Singh, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), 33, Muktanand Nagar, Gopalpura Bypass, Jaipur -302018 (Rajasthan).

SCHEDULE

Tehsil : Aburoad District : Sirohi State : Rajasthan

Sl. No.	Name of Village	Khasra No.	Area		
			Hec-tare	Are	Sq. Metre
(1)	(2)		(3)	(4)	(5)
1.	Santpur	996	00	15	10
		994	00	04	20
		1492/923	00	34	30
		921	00	02	90
		922	00	02	30
		903 (Govt. Land)	00	02	40
		907	00	03	00
		905	00	04	20
		908/1341 (Govt. Land)	00	09	40
		904	00	11	70
		902	00	04	40
		900	00	05	60
		899	00	11	20
		895	00	03	70
		896	00	07	30
		894	00	01	80
		887	00	07	70
		879	00	00	70
		881	00	08	60
		880	00	10	40
		851/1336 (Govt. Land)	00	35	20
		866	00	02	00
		855	00	02	50
		854	00	05	40
		856	00	06	10
		919 (Forest Land)	00	14	20
		919/1342 (Govt. Land)	00	02	30
		920	00	08	10

(1)	(2)	(3)	(4)	(5)	(6)
2.	Ore	26	00	01	20
		34	00	00	50
3.	Morthala	51	00	00	20
		52	00	01	40
		46	00	14	60
		45	00	13	00
4.	Kiwarli	956	00	00	20
		847	00	02	70
		871 (Govt. Land)	00	06	50
		866	00	11	40
		865	00	05	90
		864	00	13	50
		858 (Govt. Land)	00	00	80
		857 (Govt. Land)	00	03	10
		856	00	04	00

[F. No. R-25011/10/2011-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 6 अप्रैल, 2011

का.आ. 973.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में सलाया से उत्तर प्रदेश राज्य में मथुरा तक पेट्रोलियम कूड के परिवहन के लिए "सलाया-मथुरा पाइपलाइन के अंतर्गत डी-बॉटलनेकिंग परियोजना" के कार्यान्वयन हेतु इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनसाधारण को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री भीम सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पाइपलाइन प्रभाग, 33, मुक्तानंद नगर, गोपालपुर बाईपास, जयपुर-302018 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : किशनगढ़ जिला : अजमेर			राज्य : राजस्थान		
क्रम	गांव का	खसरा संख्या	क्षेत्रफल		
सं.	नाम		हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
1.	जोरावरपुरा	12	00	01	70
		11	00	11	40
		13	00	01	70
		15	00	02	30
		21	00	04	60
		19	00	04	60
		32 (सरकारी भूमि)	00	00	20
2.	ढसुक	156	00	30	40
		199	00	08	20
		200	00	11	90
		202	00	01	30
		215	00	08	70
		214	00	17	50
		213	00	06	40
		210	00	01	40
		225	00	14	80
		228	00	01	30
		226	00	06	90
		232	00	11	20
3.	माडियावड़	65/3	00	17	60
	कलां	66	00	12	30
		65/5/219	00	08	40
		65/5	00	09	40
		69	00	00	90
		71	00	28	00
		72	00	01	70
		74	00	44	90
		80	00	01	50
		78/1	00	16	30
		60	00	01	10
		59	00	16	60
		49 (सरकारी भूमि)	00	02	50
		13/8	00	07	70
		13/7 (सरकारी भूमि)	00	00	70
		13/3	00	00	90
		13/5	00	12	90
		13/6	00	09	40
		17 (सरकारी भूमि)	00	02	20
		19	00	53	10

(1)	(2)	(3)	(4)	(5)	(6)
3	माडियावड़	41	00	11	40
	कलां (जारी)	39	00	00	20
		40	00	10	60
		40/209	00	00	20
		36	00	06	90
		35	00	00	70
		34	00	01	00
		33	00	06	20
		23 (सरकारी भूमि)	00	02	60
4.	मोठी	263 (सरकारी भूमि)	00	04	50
		262 (सरकारी भूमि)	00	00	70
		261 (सरकारी भूमि)	00	00	50
		242 (सरकारी भूमि)	00	02	10
		133 (सरकारी भूमि)	00	00	60
		117 (सरकारी भूमि)	00	01	00
		116	00	04	50
		119	00	19	80
		115	00	06	40
		113	00	11	00
		108 (सरकारी भूमि)	00	34	60
5.	माडियावड़ खुर्द	1/1	00	07	20
		4 (सरकारी भूमि)	00	00	60
		5/4	00	21	00

[फा. सं. आर-25011/11/2011-ओ.आर.-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 6th April, 2011

S.O. 973.— Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of petroleum crude a pipeline from Salaya in the State of Gujarat to Mathura in the State of Uttar Pradesh, (Under Salaya-Mathura Pipeline De-bottlenecking Project) should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification issued under sub-

section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land, to Shri Bhim Singh, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), 33, Muktanand Nagar, Gopalpura Bypass, Jaipur -302018 (Rajasthan).

SCHEDULE

Tehsil : Kishangarh District : Ajmer State : Rajasthan

Sl. No.	Name of Village	Khasra No.	Area		
			Hec-tare	Are	Sq. Metre
(1)	(2)	(3)	(4)	(5)	(6)
1.	Jorawarpura	12	00	01	70
		11	00	11	40
		13	00	01	70
		15	00	02	30
		21	00	04	60
		19	00	04	60
		32 (Govt. Land)	00	00	20
2.	Dhasuk	156	00	30	40
		199	00	08	20
		200	00	11	90
		202	00	01	30
		215	00	08	70
		214	00	17	50
		213	00	06	40
		210	00	01	40
		225	00	14	80
		228	00	01	30
		226	00	06	90
		232	00	11	20
3.	Mandiyawar	65/3	00	17	60
	Kalan	66	00	12	30
		65/5/219	00	08	40
		65/5	00	09	40
		69	00	00	90
		71	00	28	00
		72	00	01	70
		74	00	44	90
		80	00	01	50
		78/1	00	16	30
		60	00	01	10
		59	00	16	60
		49 (Govt. Land)	00	02	50
		13/8	00	07	70
		13/7 (Govt. Land)	00	00	70

(1)	(2)	(3)	(4)	(5)	(6)
3.	Mandiyawar	13/3	00	00	90
	Kalan (contd.)	13/5	00	12	90
		13/6	00	09	40
		17 (Govt. Land)	00	02	20
		19	00	53	10
		41	00	11	40
		39	00	00	20
		40	00	10	60
		40/209	00	00	20
		36	00	06	90
		35	00	00	70
		34	00	01	00
		33	00	06	20
		23 (Govt. Land)	00	02	60
4.	Mothi	263 (Govt. Land)	00	04	50
		262 (Govt. Land)	00	00	70
		261 (Govt. Land)	00	00	50
		242 (Govt. Land)	00	02	10
		133 (Govt. Land)	00	00	60
		117 (Govt. Land)	00	01	00
		116	00	04	50
		119	00	19	80
		115	00	06	40
		113	00	11	00
		108 (Govt. Land)	00	34	60
5.	Mandiyawar	1/1	00	07	20
	Khurd	4 (Govt. Land)	00	00	60
		5/4	00	21	00

[F.No. R-25011/11/2011-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 8 अप्रैल, 2011

का.आ. 974.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1493, तारीख 4 जून, 2010 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इंडस्ट्रीज लिमिटेड के आंध्र प्रदेश में पूर्वी तट पर ऑनशोर टर्मिनल से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इंफ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाडा-बासुदेवपुर-हावडा गैस पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 29 अक्टूबर, 2010 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं;

और, पाइपलाइन बिछाने के संबंध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अनुज्ञात कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए सभी विल्लंगों से मुक्त, मैसर्स रिलोजिस्टिक्स इंफ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

मंडल तहसील/ जिला : श्रीकाकुलम राज्य आंध्र प्रदेश
तालुक : कंचिलि

क्र. गांव का नाम सर्वे सं/सब आर.ओ.यू. अर्जित
सं. डिविजन सं. करने के लिए क्षेत्रफल
हेक्टेयर एयर सि
एयर

(1)	(2)	(3)	(4)	(5)	(6)
1. नुवगडा	57/9		00	13	85
	57/10		00	10	68
	57/8		00	01	02
	59/3		00	07	58
	59/4		00	00	10
	59/2		00	17	05
	60/9		00	21	90
	60/7		00	22	34
	60/6		00	04	61
	60/5		00	12	99
	60/4		00	12	06
2. शासनम	245		00	36	82
	244/1		00	16	72
	173/1		00	23	80
	173/6		00	07	45
	173/2		00	15	66
	172/4		00	05	95

(1)	(2)	(3)	(4)	(5)	(6)
1	शासनम (जारी)	172/5	00	22	07
		172/6	00	00	59
		172/7	00	07	81
		170	00	27	29
		196/10	00	01	06
		196/3	00	10	48
		196/4	00	13	00
		196/5	00	00	44
		196/1	00	23	63
		196/11	00	00	99
		197	00	13	03
		195/2	00	12	91
		195/3	00	00	10
		195/1	00	07	94
		201/1	00	33	18
		202/2	00	14	26
		204	00	00	33
		163	00	03	54
		145/3	00	22	96
		145/2	00	14	79
		145/4	00	12	82
		145/7	00	09	50
		145/8	00	07	19
		144/2	00	00	76
		146/1	00	07	74
		146/4	00	24	90
		146/3	00	05	60
		146/2	00	00	10
		148/2	00	19	44
		148/1	00	08	10
		149	00	02	06
		150/1	00	00	53
		150/2	00	43	35
3. जलन्तराकोटा		10/2पी	00	01	52
		14/1	00	09	98
		13/1	00	03	45
		13/2	00	43	45
		12/3	00	05	00
		12/5	00	01	38
		12/4	00	07	16
		12/2	00	05	28
		25/1	00	13	85
		25/2	00	58	57
		24	00	10	77
		21	00	22	90

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
5.	बोनोमली (जारी)	362	00	27	78	7.	पुडुभद्रा (जारी)	554	00	45	75
		364/19	00	12	70			555	00	02	35
		364/18	00	01	17	8.	पुरुषोत्तमपुरम	70	00	04	89
		364/17	00	01	18			69/8	00	00	49
		364/16	00	02	39			69/9	00	15	19
		364/15	00	01	72			69/10	00	00	10
		364/14	00	03	33			69/11	00	03	35
		364/13	00	00	57			69/12	00	07	91
		366/20	00	00	18			69/15	00	01	36
		366/21	00	11	95			69/16	00	04	98
		366/24	00	00	10			69/17	00	11	22
		366/25	00	00	34			68/16	00	00	10
		366/17	00	02	33			68/23	00	09	19
		366/16	00	02	47			60/2	00	01	98
		366/14	00	03	52			60/1	00	08	76
		366/13	00	09	69			60/4	00	20	39
		366/12	00	00	38			60/5	00	00	10
		366/11	00	00	30			61/13	00	00	10
		366/10	00	00	10			58/7	00	03	63
		366/6	00	01	33			58/6	00	01	39
		366/3	00	05	46			58/8	00	05	07
		366/2	00	00	32			58/5	00	05	79
		366/4	00	06	24			59/5	00	09	41
		366/5	00	02	61			59/6	00	00	74
		371/8	00	01	65			59/8	00	00	10
		371/3	00	10	18			59/4	00	05	07
		371/7	00	00	49			59/3	00	03	68
		371/6	00	00	74			53/1	00	00	10
		371/5	00	02	35			59/2	00	04	74
		371/4	00	25	30			54/2	00	11	41
		376/8	00	01	88			54/1	00	01	07
		376/9	00	06	71			54/3	00	14	44
		376/7	00	08	51			54/4	00	01	67
		376/5	00	10	29			54/5	00	07	84
		376/4	00	04	43			54/6	00	13	72
		376/3	00	11	57			54/7	00	06	42
		377	00	01	48			54/9	00	05	02
		378	00	00	18			54/10	00	00	10
		379/1	00	00	10			54/8	00	05	46
6.	माटमसारीपल्लि	503	00	14	68			34/10	00	01	62
		504	00	67	74			34/13	00	03	59
7.	पुडुभद्रा	551/9	00	07	11			34/14	00	00	19
		551/8	00	00	10			34/11	00	07	28
		551/10	00	00	85			34/12	00	08	33
		552	01	02	57			35/16	00	02	90
		553	00	06	88			35/15	00	00	10

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
8.	पुरुषोत्तमपुरम (जारी)	35/8	00	13	32	9.	कर्तली. (जमीन) (जारी)	52/8	00	01	74
		35/7	00	00	22			52/7	00	06	43
		35/9	00	01	95			52/1	00	13	67
		35/6	00	07	48			51	00	00	10
		35/5	00	04	55			53/1	00	11	87
		35/4	00	11	57			26/3	00	08	90
		36/1	00	01	68			26/2	00	05	63
		37/8	00	02	81			26/4	00	00	10
		37/9	00	04	62			26/1	00	05	68
		37/10	00	04	70			28	00	06	96
		37/6	00	13	12			27/6	00	13	78
		37/5	00	00	10			27/5	00	14	13
		38/6	00	08	99			27/3	00	23	21
		38/5	00	08	55			21/10	00	11	29
		38/4	00	01	05			21/8	00	00	78
		38/2	00	07	87			21/9	00	09	66
		38/3	00	21	38			22/6	00	00	10
		43/3	00	06	61			20/24	00	02	77
		43/1	00	00	92			20/14	00	01	12
		43/4	00	12	07			20/12	00	00	10
		43/2	00	01	85			20/25	00	15	93
		43/7	00	00	10			19/22	00	08	34
		41	00	08	59			22/1	00	00	92
		23/6	00	01	13			17/2	00	02	02
		26	00	06	07			17/3	00	03	13
		15	00	00	10			17/4	00	02	26
		12/6	00	08	11			17/5	00	12	23
		12/1	00	09	45			18/9	00	05	94
		12/2	00	02	79			18/8	00	15	27
		13	00	20	62			16/10	00	01	70
		11	00	06	66			15/4	00	08	27
		6/14	00	10	66			15/5	00	08	63
		6/13	00	07	74			15/6	00	01	50
		6/12	00	02	12			14/9	00	00	56
		6/11	00	04	33			14/10	00	06	44
		6/10	00	00	10			14/18	00	02	62
		6/9	00	03	56			14/17	00	01	86
		6/8	00	04	16			14/12	00	03	24
		6/6	00	01	92			14/11	00	14	96
		6/5	00	06	19			14/5	00	00	10
		6/4	00	02	13			13/8	00	19	18
		6/3	00	02	44			13/5	00	02	67
		6/2	00	00	53			13/6	00	05	16
		7/2	00	02	39			13/7	00	09	77
		7/3	00	00	10			9/12	00	00	28
		8/2	00	13	23			9/13	00	16	19
9.	कर्तली (जमीन)	52/11	00	09	08						
		52/9	00	01	65						

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
9. कर्तली (जमीन)	9/11		00	03	18	10. जाडूपुरी (जारी)	294/5		00	00	29
(जारी)	9/10		00	01	86		62/11		00	01	02
	9/14		00	06	92		62/10		00	06	74
	10/10		00	03	82		62/2		00	01	09
	10/9		00	03	78		62/9		00	11	99
	10/8		00	04	98		62/4		00	02	87
	10/7		00	01	32		62/5		00	06	66
	10/6		00	01	92		62/6		00	00	10
	10/5		00	02	57		61/6		00	04	69
	10/4		00	14	84		61/7		00	00	17
	10/3		00	07	48		61/5		00	04	81
	11/1		00	13	56		61/1		00	19	67
10. जाडूपुरी	314/1		00	27	69		61/2		00	00	10
	314/2		00	00	10		60/14		00	06	30
	315/3		00	15	81		60/15		00	02	79
	315/4		00	08	34		60/13		00	03	94
	310/3		00	00	43		60/12		00	02	54
	310/4		00	15	42		60/16		00	06	02
	310/6		00	18	24		60/11		00	00	47
	310/7		00	02	55		60/5		00	00	10
	308/7		00	12	67		60/6		00	04	90
	308/6		00	05	49		60/10		00	04	63
	306		00	04	87		60/9		00	10	46
	308/5		00	05	58		60/7		00	00	36
	308/4		00	00	36		50/13		00	00	50
	308/3		00	06	26		51/2		00	09	46
	308/2		00	07	63		51/3		00	10	98
	307/17		00	10	34		51/1		00	02	04
	307/16		00	02	56		51/4		00	05	14
	307/14		00	05	95		51/5		00	08	08
	307/10		00	02	05		51/6		00	04	63
	307/12		00	10	86		52/16		00	01	10
	307/13		00	03	45		52/14		00	00	21
	300		00	00	14		52/17		00	08	98
	297		00	00	10		52/19		00	00	65
	301		00	07	64		52/18		00	01	36
	296/7		00	07	27		52/13		00	02	90
	296/1		00	13	79		52/12		00	03	84
	296/2		00	09	59		52/6		00	02	70
	295/7		00	02	30		52/7		00	00	10
	295/11		00	09	28		52/3		00	02	37
	295/8		00	00	35		52/5		00	02	22
	295/10		00	07	95		52/8		00	00	62
	293/1		00	02	81		52/4		00	03	51
	294/8		00	09	14		52/2		00	01	15
	294/7		00	04	27		45/22		00	00	49

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
10. जाडुपूरी (जारी)	45/23		00	02	70	10. जाडुपूरी (जारी)	14/5		00	08	94
	45/25		00	00	10		14/13		00	03	04
	45/24		00	02	65		14/12		00	09	67
	45/20		00	02	86		14/16		00	00	37
	45/21		00	00	28		14/15		00	00	85
	45/19		00	03	42		14/14		00	04	60
	45/18		00	00	43		18/2		00	05	76
	45/17		00	01	76		18/1		00	11	79
	45/4		00	00	54	11. गोकर्णपुरम्	22		00	42	74
	45/5		00	00	10		8/16		00	01	64
	45/16		00	01	36		8/15		00	08	95
	45/15		00	08	75		8/19		00	00	26
	45/14		00	05	40		8/18		00	05	07
	45/13		00	00	21		8/17		00	03	70
	45/12		00	00	27		8/14		00	02	74
	45/11		00	00	37		8/13		00	01	35
	45/9		00	00	33		8/12		00	08	91
	45/8		00	02	99		8/10		00	11	00
	45/7		00	00	32		8/11		00	02	19
	44		00	03	05		8/1		00	02	51
	12/17		00	01	05		9		01	74	63
	16/27		00	05	03		10/1		00	33	07
	16/26		00	03	93		11		00	15	03
	16/24		00	10	35		13/3		00	00	14
	16/25		00	01	90		13/4		00	05	91
	16/5		00	04	05		13/1		00	13	34
	16/7		00	00	10		13/2		00	01	67
	16/4		00	04	35	12. केसरपाडा (जमीन) 536			00	03	07
	16/8		00	00	57		535/3		00	00	10
	16/9		00	00	85		535/4		00	02	58
	16/10		00	00	10		535/5		00	02	96
	16/13		00	00	74		535/6		00	01	63
	16/14		00	00	90		535/7		00	01	98
	16/1		00	00	10		535/8		00	04	60
	16/2		00	02	12		535/9		00	03	76
	16/3		00	02	16		535/10		00	03	60
	16/15		00	02	86		535/11		00	02	15
	15/4		00	05	73		535/12		00	02	38
	15/13		00	00	90		535/13		00	05	26
	15/2		00	00	49		535/14		00	01	46
	15/5		00	03	82		534/13		00	05	80
	15/1		00	00	57		534/14		00	07	73
	15/6		00	05	22		534/15		00	04	44
	14/10		00	00	92		534/16		00	00	22
	14/9		00	00	17		534/17		00	07	98
	14/11		00	09	85						

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
12.	केसरपाडा (जमीन)	534/18	00	03	42	12.	केसरपाडा (जमीन)	494/5	00	03	69
	(जारी)	534/19	00	01	70		(जारी)	494/6	00	01	32
		534/20	00	00	10			495	00	16	13
		533/11	00	00	10			496/10	00	04	71
		533/12	00	00	67			496/11	00	03	00
		533/13	00	07	36			483/6	00	00	82
		531/2	00	06	53			483/13	00	00	31
		531/3	00	01	40			483/15	00	04	00
		531/4	00	14	80			483/16	00	04	26
		531/5	00	03	43			483/17	00	05	13
		531/6	00	03	90			483/18	00	05	61
		531/7	00	00	77			483/19	00	05	18
		531/8	00	06	13			483/20	00	03	93
		531/9	00	04	47			484	00	25	14
		531/11	00	03	30			485/1	00	01	95
		531/12	00	00	46			485/2	00	00	10
		530/1	00	02	40			485/5	00	00	21
		530/9	00	11	47	13.	धनलकोतूरू	330/1	00	17	82
		518/9	00	01	47			331/1	00	06	90
		529/1	00	13	39			331/7	00	04	71
		529/2	00	06	47			331/8	00	03	86
		529/3	00	08	25			331/9	00	06	82
		529/5	00	02	55			331/10	00	05	73
		519/1	00	04	75			334/9	00	00	14
		520/2	00	01	24			334/10	00	08	47
		520/3	00	00	64			334/11	00	07	51
		520/4	00	01	89			334/12	00	06	14
		520/5	00	02	00			334/13	00	04	95
		520/6	00	05	15			334/16	00	06	30
		520/7	00	01	24			325/10	00	03	60
		520/10	00	27	84			325/11	00	04	91
		520/11	00	07	76			327	00	00	10
		521	00	01	02			326	00	08	17
		522	90	05	90	14.	समंता रामचन्द्रपुरम	125/8	00	01	28
		492/1	00	05	61			125/7	00	06	49
		492/2	00	01	15			125/14	00	00	65
		492/3	00	04	31			125/6	00	08	02
		492/4	00	02	86			125/5	00	06	25
		492/5	00	00	42			125/4	00	02	38
		493/2	00	04	65			125/2	00	13	22
		493/3	00	01	35			125/1	00	00	10
		493/4	00	03	74	15.	पदमातुला	126	00	39	74
		493/5	00	02	20			127	00	22	84
		493/8	00	04	18			128/16	00	04	16
		494/1	00	04	76			128/18	00	00	93
		494/4	00	05	50			128/17	00	01	09

(1)	(2)	(3)	(4)	(5)	(6)
15.	पदमातुला (जारी)	128/15	00	04	52
		128/14	00	02	04
		128/13	00	02	10
		128/2	00	00	27
		128/3	00	00	49
		128/1	00	10	23
		129/5	00	00	40
		129/4	00	00	10
		129/1	00	23	69
		130/1	00	00	10
		130/2	00	04	44
		130/3	00	10	84
		130/12	00	00	12
		130/4	00	01	75
		130/5	00	03	50
		130/6	00	02	36
		130/7	00	04	97
		130/8	00	02	12

[फा. सं. एल-14014/53/2009-जी.पी.]
के. के. शर्मा, अवर सचिव

New Delhi, the 8th April, 2011

S.O. 974.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 1493 dated 04th June, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Kakinada-Basudebpur-Howrah gas pipeline for transportation of natural gas from onshore terminal at East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Relogistics Infrastructure Limited to consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 29th October, 2010;

And whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

SCHEDULE

Mandal/Tehsil/ Taluk: Kanchili		District : Srikakulam	State : Andhra Pradesh		
Sl. Village No.		Survey No./ Sub-Division No.	Area to be acquired for Rou Hec Are C-Are		
(1)	(2)	(3)	(4)	(5)	(6)
1. Nuvagada		57/9	00	13	85
		57/10	00	10	68
		57/8	00	01	02
		59/3	00	07	58
		59/4	00	0	10
		59/2	00	17	05
		60/9	00	21	90
		60/7	00	22	34
		60/6	00	04	61
		60/5	00	12	99
		60/4	00	12	06
2. Sasanam		245	00	36	82
		244/1	00	16	72
		173/1	00	23	80
		173/6	00	07	45
		173/2	00	15	66
		172/4	00	05	95
		172/5	00	22	07
		172/6	00	00	59
		172/7	00	07	81
		170	00	27	29
		196/10	00	01	06
		196/3	00	10	48
		196/4	00	13	00
		196/5	00	00	44
		196/1	00	23	63
		196/11	00	00	99
		197	00	13	03
		195/2	00	12	91

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
2. Sasanam	195/3		00	00	10	3. Jalandharakota	137/3		00	31	81
(contd.)	195/1		00	07	94	(contd.)	137/1		00	02	30
	201/1		00	33	18		138/3		00	42	88
	202/2		00	14	26		138/2		00	00	82
	204		00	00	33		138/4		00	01	58
	163		00	03	54		141/2		00	09	22
	145/3		00	22	96		139		00	45	43
	145/2		00	14	79		140/6		00	02	40
	145/4		00	12	82		140/5		00	21	98
	145/7		00	09	50		112/9		00	03	07
	145/8		00	07	19		112/16		00	11	32
	144/2		00	00	76		124/5		00	08	71
	146/1		00	07	74		124/1		00	01	89
	146/4		00	24	90		124/2		00	06	14
	146/3		00	05	60		123/2		00	05	12
	146/2		00	00	10		123/3		00	52	12
	148/2		00	19	44		125/2		00	01	07
	148/1		00	08	10		122		00	24	04
	149		00	02	06		120/2		00	36	62
	150/1		00	00	53		121		00	28	83
	150/2		00	43	35		117/2		00	62	11
3. Jalandharakota	10/2P		00	01	52		117/1		00	02	85
	14/1		00	09	98		113/9		00	00	10
	13/1		00	03	45	4. Janaghai	52/2		00	21	81
	13/2		00	43	45		52/3		00	05	29
	12/3		00	05	00		52/4		00	25	40
	12/5		00	01	38		44/15		00	11	42
	12/4		00	07	16		44/10		00	00	17
	12/2		00	05	28		44/14		00	03	73
	25/1		00	13	85		44/13		00	09	23
	25/2		00	58	57		50/2		00	00	28
	24		00	10	77		50/1		00	09	27
	21		00	22	90		50/4		00	00	12
	22		00	00	20		50/5		00	08	25
	23		00	06	48		50/6		00	01	02
	163/1		00	14	17		50/12		00	02	04
	163/3		00	36	76		49/5		00	21	46
	162/6		00	08	27		49/6		00	00	36
	166/1		00	15	47		49/10		00	08	49
	160/7		00	00	44		49/12		00	04	93
	160/5		00	06	59		49/11		00	01	45
	160/4		00	07	49		49/13		00	09	32
	160/2		00	18	22		49/14		00	05	82
	157/4		00	03	25		35/12		00	11	28
	157/2		00	18	47		35/1		00	18	28
	157/1		00	07	76						

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
4. Janaghai	35/4	00	01	69		5. Bonomali	366/16	00	02	47	
(contd.)	35/3	00	01	70		(contd.)	366/14	00	03	52	
	35/2	00	04	31			366/13	00	09	69	
	37/20	00	10	34			366/12	00	00	38	
	37/21	00	09	79			366/11	00	00	30	
	36/9	00	00	14			366/10	00	00	10	
	36/8	00	00	12			366/6	00	01	33	
	36/7	00	00	90			366/3	00	05	46	
	36/6	00	01	20			366/2	00	00	32	
	36/5	00	01	93			366/4	00	06	24	
	36/2	00	01	25			366/5	00	02	61	
	36/1	00	02	22			371/8	00	01	65	
	37/9	00	13	85			371/3	00	10	18	
5. Bonomali	356/6	00	07	73			371/7	00	00	49	
	356/5	00	28	25			371/6	00	00	74	
	356/4	00	00	10			371/5	00	02	35	
	356/1	00	05	56			371/4	00	25	30	
	355/6	00	00	41			376/8	00	01	88	
	355/7	00	05	12			376/9	00	06	71	
	355/8	00	03	27			376/7	00	08	51	
	355/5	00	05	66			376/5	00	10	29	
	355/9	00	07	09			376/4	00	04	43	
	355/10	00	02	89			376/3	00	11	57	
	355/11	00	02	98			377	00	01	48	
	355/12	00	03	13			378	00	00	18	
	355/2	00	06	07			379/1	00	00	10	
	353/5	00	05	70		6. Matamsaripalli	503	00	14	68	
	354/8	00	10	86			504	00	67	74	
	354/7	00	01	44		7. Pudabhadra	551/9	00	07	11	
	353/1	00	06	28			551/8	00	00	10	
	351/12	00	04	46			551/10	00	00	85	
	351/11	00	01	87			552	01	02	57	
	352/1	00	16	82			553	00	06	88	
	362	00	27	78			554	00	45	75	
	364/19	00	12	70			555	00	02	35	
	364/18	00	01	17		8. Purushotham-	70	00	04	89	
	364/17	00	01	18		puram	69/8	00	00	49	
	364/16	00	02	39			69/9	00	15	19	
	364/15	00	01	72			69/10	00	00	10	
	364/14	00	03	33			69/11	00	03	35	
	364/13	00	00	57			69/12	00	07	91	
	366/20	00	00	18			69/15	00	01	36	
	366/21	00	11	95			69/16	00	04	98	
	366/24	00	00	10			69/17	00	11	22	
	366/25	00	00	34			68/16	00	00	10	
	366/17	00	02	33			68/23	00	09	19	

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
8. Purushotham-	60/2		00	01	98	8. Purushotham-	43/7		00	00	10
puram (Contd.)	60/1		00	08	76	puram (contd.)	41		00	08	59
	60/4		00	20	39		23/6		00	01	13
	60/5		00	00	10		26		00	06	07
	61/13		00	00	10		15		00	00	10
	58/7		00	03	63		12/6		00	08	11
	58/6		00	01	39		12/1		00	09	45
	58/8		00	05	07		12/2		00	02	79
	58/5		00	05	79		13		00	20	62
	59/5		00	09	41		11		00	06	66
	59/6		00	00	74		6/14		00	10	66
	59/8		00	00	10		6/13		00	07	74
	59/4		00	05	07		6/12		00	02	12
	59/3		00	03	68		6/11		00	04	33
	53/1		00	00	10		6/10		00	00	10
	59/2		00	04	74		6/9		00	03	56
	54/2		00	11	41		6/8		00	04	16
	54/1		00	01	07		6/6		00	01	92
	54/3		00	14	44		6/5		00	06	19
	54/4		00	01	67		6/4		00	02	13
	54/5		00	07	84		6/3		00	02	44
	54/6		00	13	72		6/2		00	00	53
	54/7		00	06	42		7/2		00	02	39
	54/9		00	05	02		7/3		00	00	10
	54/10		00	00	10		8/2		00	13	23
	54/8		00	05	46	9. Kartali (Zamin)	52/11		00	09	08
	34/10		00	01	62		52/9		00	01	65
	34/13		00	03	59		52/8		00	01	74
	34/14		00	00	19		52/7		00	06	43
	34/11		00	07	28		52/1		00	13	67
	34/12		00	08	33		51		00	00	10
	35/16		00	02	90		53/1		00	11	87
	35/15		00	00	10		26/3		00	08	90
	35/8		00	13	32		26/2		00	05	63
	35/7		00	00	22		26/4		00	00	10
	35/9		00	01	95		26/1		00	05	68
	35/6		00	07	48		28		00	06	96
	35/5		0	04	55		27/6		00	13	78
	35/4		00	11	57		27/5		00	14	13
	36/1		00	01	68		27/3		00	23	21
	37/8		00	02	81		21/10		00	11	29
	37/9		00	04	62		21/8		00	00	78
	37/10		00	04	70		21/9		00	09	66
	37/6		00	13	12		22/6		00	00	10
	37/5		00	00	10		20/24		00	02	77
	38/6		00	08	99		20/14		00	01	12
	38/5		00	08	55		20/12		00	00	10
	38/4		00	01	05		20/25		00	15	93
	38/2		00	07	87		19/22		00	08	34
	38/3		00	21	38		22/1		00	00	92
	43/3		00	06	61		17/2		00	02	02
	43/1		00	00	92		17/3		00	03	13
	43/4		00	12	07		17/4		00	02	26
	43/2		00	01	85		17/5		00	12	23
							18/9		00	05	94

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
9.	Kartali (Zamin)	18/8	00	15	27	10.	Jadupudi	296/1	00	13	79
	(contd.)	16/10	00	01	70		(Contd.)	296/2	00	09	59
		15/4	00	08	27			295/7	00	02	30
		15/5	00	08	63			295/11	00	09	28
		15/6	00	01	50			295/8	00	00	35
		14/9	00	00	56			295/10	00	07	95
		14/10	00	06	44			293/1	00	02	81
		14/18	00	02	62			294/8	00	09	14
		14/17	00	01	86			294/7	00	04	27
		14/12	00	03	24			294/5	00	00	29
		14/11	00	14	96			62/11	00	01	02
		14/5	00	00	10			62/10	00	06	74
		13/8	00	19	18			62/2	00	01	09
		13/5	00	02	67			62/9	00	11	99
		13/6	00	05	16			62/4	00	02	87
		13/7	00	09	77			62/5	00	06	66
		9/12	00	00	28			62/6	00	00	10
		9/13	00	16	19			61/6	00	04	99
		9/11	00	03	18			61/7	00	00	17
		9/10	00	01	86			61/5	00	04	81
		9/14	00	06	92			61/1	00	19	67
		10/10	00	03	82			61/2	00	00	10
		10/9	00	03	78			60/14	00	06	30
		10/8	00	04	98			60/15	00	02	79
		10/7	00	01	32			60/13	00	03	94
		10/6	00	01	92			60/12	00	02	54
		10/5	00	02	57			60/16	00	06	02
		10/4	00	14	84			60/11	00	00	47
		10/3	00	07	48			60/5	00	00	10
		11/1	00	13	56			60/6	00	04	90
10.	Jadupudi	314/1	00	27	69			60/10	00	04	63
		314/2	00	00	10			60/9	00	10	46
		315/3	00	15	81			60/7	00	00	36
		315/4	00	08	34			50/13	00	00	50
		310/3	00	00	43			51/2	00	09	46
		310/4	00	15	42			51/3	00	10	98
		310/6	00	18	24			51/1	00	02	04
		310/7	00	02	55			51/4	00	05	14
		308/7	00	12	67			51/5	00	08	08
		308/6	00	05	49			51/6	00	04	63
		306	00	04	87			52/16	00	01	10
		308/5	00	05	58			52/14	00	00	21
		308/4	00	00	36			52/17	00	08	98
		308/3	00	06	26			52/19	00	00	65
		308/2	00	07	63			52/18	00	01	36
		307/17	00	10	34			52/13	00	02	90
		307/16	00	02	56			52/12	00	03	84
		307/14	00	05	95			52/6	00	02	70
		307/10	00	02	05			52/7	00	00	10
		307/12	00	10	86			52/3	00	02	37
		307/13	00	03	45			52/5	00	02	22
		300	00	00	14			52/8	00	00	62
		297	00	00	10						
		301	00	07	64						
		296/7	00	07	27						

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
10. Jadupudi	52/4		00	03	51	10. Jadupudi	14/16		00	00	37
(Contd.)	52/2		00	01	15	(Contd.)	14/15		00	00	85
	45/22		00	00	49		14/14		00	04	60
	45/23		00	02	70		18/2		00	05	76
	45/25		00	00	10		18/1		00	11	79
	45/24		00	02	65	11. Gokarnapuram	22		00	42	74
	45/20		00	02	86		8/16		00	01	64
	45/21		00	00	28		8/15		00	08	95
	45/19		00	03	42		8/19		00	00	26
	45/18		00	00	43		8/18		00	05	07
	45/17		00	01	76		8/17		00	03	70
	45/4		00	00	54		8/14		00	02	74
	45/5		00	00	10		8/13		00	01	35
	45/16		00	01	36		8/12		00	08	91
	45/15		00	08	75		8/10	*	00	11	00
	45/14		00	05	40		8/11		00	02	19
	45/13		00	00	21		8/1		00	02	51
	45/12		00	00	27		9		01	74	63
	45/11		00	00	37		10/1		00	33	07
	45/9		00	00	33		11		00	15	03
	45/8		00	02	99		13/3		00	00	14
	45/7		00	00	32		13/4		00	05	91
	44		00	03	05		13/1		00	13	34
	12/17		00	01	05		13/2		00	01	67
	16/27		00	05	03	12. Kesarapada	536		00	03	07
	16/26		00	03	93	(Zamin)	535/3		00	00	10
	16/24		00	10	35		535/4		00	02	58
	16/25		00	01	90		535/5		00	02	96
	16/5		00	04	05		535/6		00	01	63
	16/7		00	00	10		535/7		00	01	98
	16/4		00	04	35		535/8		00	04	60
	16/8		00	00	57		535/9		00	03	76
	16/9		00	00	85		535/10		00	03	60
	16/10		00	00	10		535/11		00	02	15
	16/13		00	00	74		535/12		00	02	38
	16/14		00	00	90		535/13		00	05	26
	16/1		00	00	10		535/14		00	01	46
	16/2		00	02	12		534/13		00	05	80
	16/3		00	02	16		534/14		00	07	73
	16/15		00	02	86		534/15		00	04	44
	15/4		00	05	73		534/16		00	00	22
	15/3		00	00	90		534/17		00	07	98
	15/2		00	00	49		534/18		00	03	42
	15/5		00	03	82		534/19		00	01	70
	15/1		00	00	57		534/20		00	00	10
	15/6		00	05	22		533/11		00	00	10
	14/10		00	00	92		533/12		00	00	67
	14/9		00	00	17		533/13		00	07	36
	14/11		00	09	85		531/2		00	06	53
	14/5		00	08	94		531/3		00	01	40
	14/13		00	03	04		531/4		00	14	80
	14/12		00	09	67		531/5		00	03	43

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
12.	Kesarapada	531/6	00	03	90	12.	Kesarapada	485/2	00	00	10
	(Zamin) (Contd.)	531/7	00	00	77		(Zamin) (Contd.)	485/5	00	00	21
		531/8	00	06	13	13.	Bhinnalakothuru	330/1	00	17	82
		531/9	00	04	47			331/1	00	06	90
		531/11	00	03	30			331/7	00	04	71
		531/12	00	00	46			331/8	00	03	86
		530/1	00	02	40			331/9	00	06	82
		530/9	00	11	47			331/10	00	05	73
		518/9	00	01	47			334/9	00	00	14
		529/1	00	13	39			334/10	00	08	47
		529/2	00	06	47			334/11	00	07	51
		529/3	00	08	25			334/12	00	06	14
		529/5	00	02	55			334/13	00	04	95
		519/1	00	04	75			334/16	00	06	30
		520/2	00	01	24			325/10	00	03	60
		520/3	00	00	64			325/11	00	04	91
		520/4	00	01	89			327	00	00	10
		520/5	00	02	00			326	00	08	17
		520/6	00	05	15	14.	Samantha Rama-	125/8	00	01	28
		520/7	00	01	24		chandrapuram	125/7	00	06	49
		520/10	00	27	84			125/14	00	00	65
		520/11	00	07	76			125/6	00	08	02
		521	00	01	02			125/5	00	06	25
		522	90	05	90			125/4	00	02	38
		492/1	00	05	61			125/2	00	13	22
		492/2	00	01	15			125/1	00	00	10
		492/3	00	04	31	15.	Padmathula	126	00	39	74
		492/4	00	02	86			127	00	22	84
		492/5	00	00	42			128/16	00	04	16
		493/2	00	04	65			128/18	00	00	93
		493/3	00	01	35			128/17	00	01	09
		493/4	00	03	74			128/15	00	04	52
		493/5	00	02	20			128/14	00	02	04
		493/8	00	04	18			128/13	00	02	10
		494/1	00	04	76			128/2	00	00	27
		494/4	00	05	50			128/3	00	00	49
		494/5	00	03	69			128/1	00	10	23
		494/6	00	01	32			129/5	00	00	40
		495	00	16	13			129/4	00	00	10
		496/10	00	04	71			129/1	00	23	69
		496/11	00	03	00			130/1	00	00	10
		483/6	00	00	82			130/2	00	04	44
		483/13	00	00	31			130/3	00	10	84
		483/15	00	04	00			130/12	00	00	12
		483/16	00	04	26			130/4	00	01	75
		483/17	00	05	13			130/5	00	03	50
		483/18	00	05	61			130/6	00	02	36
		483/19	00	05	18			130/7	00	04	97
		483/20	00	03	93			130/8	00	02	12
		484	00	25	14						
		485/1	00	01	95						

[F. No. L-14014/53/2009-GP.]

K. K. SHARMA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 3 मार्च, 2011

का. आ. 975.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं. 1 के पंचाट (संदर्भ संख्या 150/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-03-2011 को प्राप्त हुआ था।

[सं. एल-20012/114/1988-आई आर(सी-1)]

डी. एस.एस. श्रीनिवास राव, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 3rd March, 2011

S.O. 975.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 150/1990) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 03-03-2011.

[No. L-20012/114/1988-IR(C-I)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act.

Reference No. 150 of 1990**PARTIES:**

Employers in relation to the management of Industry Colliery of M/s. B.C.C. Ltd.

AND

Their Workman

PRESENT:

Shri H.M. Singh, Presiding Officer

APPEARANCES:

For the Employers : None

For the Workman : None

AWARD

(Dated the 31st January, 2011)

By Order No. L-20012/114/88-IR (Coal-I) dated 13-7-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of Bihar Colliery Kamgar Union that the date of birth of Sri Bhagwan Das, Trammer, Industry Colliery of M/s. BCCL is 4-6-38? If so, what relief the concerned workman is entitled to?"

2. In this reference case both the parties have filed their respective written statements, rejoinders and documents. Therefore, the case was fixed for 25-8-10 for adducing evidence by the workman for which registered notices were sent to both the parties. But on 25-8-10 neither side appeared for which case was adjourned to 24-9-10. Again on 24-9-10 neither side appeared, so the case was adjourned to 12-11-10. On that date also none appeared from either side. As such, it appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

3. Accordingly, I render the 'No Dispute' Award in the present industrial dispute.

H.M. SINGH, Presiding Officer

नई दिल्ली, 3 मार्च, 2011

का. आ. 976.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं. 1 के पंचाट (संदर्भ संख्या 16/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-03-2011 को प्राप्त हुआ था।

[सं. एल-20012/33/2002-आई आर(सी-1)]

डी. एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 3rd March, 2011

S.O. 976.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/2003) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 03-03-2011.

[No. L-20012/33/2002-IR(C-I)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act.

Reference No. 16 of 2003**PARTIES:**Employers in relation to the management of Bhowra
Coke Plant of M/s. B.C.C. Ltd.**AND**

Their workman

PRESENT:

Shri H.M. Singh, Presiding Officer

APPEARANCES:

For the Employers : Shri U.N. Lal, Advocate

For the Workman : Shri Raghunandan Rai,
Representative

State : Jharkhand

Industry : Coal

(Dated the 31st January, 2011)

AWARD

By Order No. L-20012/33/2002-IR (Coal-I) dated 24-1-03 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the management of BCCL, Bhowra Coke Plant is justified in not giving the benefit of VRS(F) to Smt. Pan Muni Manjhian ? If not to what relief is the workman entitled ?”

2. The case of the sponsoring union is that Smt. Pan Muni Manjhian has been working as (General Mazdoor) Kamin w.e.f. 18-10-1973 under the management of Bhowra Coke Plant. Voluntary Retirement Scheme was adopted by M/s. BCCL for those female employees whose age was below 55 years as on 5-6-2001 as per Order No. BCCL/GM/P&IR/ES/2001/11543-643 Smt. Pan Muni Manjhian had submitted an application before Chief Engineer (Chemical), Bhowra Coke Plant on 20-5-2001 for employment of her son, Sri Paresh Manjhi under V.R.S. Scheme. On the basis of application of the workman, Personnel Officer, Bhowra Coke Plant had taken examination of Paresh Manjhi on 6-7-2001 as per letter No. 2001/PER/130 dated 4-7-2001. The Chief Engineer (Chemical) Bhowra Coke Plant, rejected the application of

Smt. Pan Muni Manjhian vide letter No. 2001/210 dated 15-9-2001 stating that her age is 55 years, which is not correct. VRS Scheme was notified by the Company in the year 1998. At that time an application was submitted by Smt. Pan Muni Manjhian which was not considered by the management. Then an industrial dispute was raised by the union before the A.L.C. (C), Dhanbad, which was ended in failure. Thereafter the Ministry of Labour, New Delhi, intimated vide their letter No. L-20012/417/99-(C-I) dated 24-1-2000 that V.R.S. is in force till now and company will consider her demand after submission of application in proper form. As per direction of the Ministry an application was filed before the Chief Engineer (Chemical), Bhowra Coke Plant but her application was rejected on 16-5-2000.

In view of above facts and circumstances it has been prayed that Hon'ble Tribunal be pleased to pass an award in favour of the workman.

3. Written statement has been filed on behalf of the workman stating that the female employee concerned had submitted her resignation under Spl. VRS (F) on 20-6-2001 in respect to the Spl. VRS (Female) Circular circulated vide No. BCCL/GM/P&IR/ES/2001/11543-643 dated 5-6-2001. The case was sent through Eastern Jharia Area to the Headquarter and the request was not acceded to as by that time the female employee had crossed the age limit of 55 years. As such the female employee was intimated about her case and the request was not acceded to as per letter No. BCCL/PA-II/Spl. VRS(F)/EJA/01/18821 dated 29/30-3-2001. Smt. Pan Muni Manjhian, P. No. 00954081 is working as General Mazdoor being a permanent employee of Bhowra Coke Plant. her date of appointment is 16-10-73 and date of birth is 16-7-46 as per Form 'B' Register. The workman had filed a Writ bearing No. W.P. (L) No. 1018/03 for getting the case referred for adjudication to CGIT. As per Spl. VRS(F) vide No. BCCL/GM(P&IR)/ES/2001/11543-643 dated 5-6-2001 vide clause 8 it was also stipulated as under :

“8. As per the provision of Scheme any application of female employee can be rejected and employment may not be given to the dependent by the management without assigning any reason to the claimant.”

The case for VRS could not be considered for the reason that the female employee had crossed the age limit by that time the case was placed before the Competent Authority at Headquarters and as such the regret was communicated vide letter dated 29/30-8-2001.

In such circumstances it has been prayed that the Hon'ble Tribunal be pleased to pass the award holding that the action of the management is justified and the female employee concerned is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The workman has produced herself as WW-1 (Pan Muni Manjhian) and proved documents as Exts. W-1 to W-6.

The management has produced MW-1, R.D. Tripathy, who has produced documents as Exts. M-1 to M-4.

6. Main argument advanced on behalf of the concerned workman is that Smt. Pan Muni Manjhian, who is permanent workman and engaged as General Mazdoor since 18-10-73. His P. No. 00954081 and Identity Card No. 146942. The management issued order No. BCCL/GM(P&IR)/ES/2001/11543-643 dated 5-6-2001 by which it was required that the female employee who has not attained 55 years of age can take VRS (F) and last date was fixed 20-6-2001. The concerned workman Smt. Pan Muni Manjhian complied with all conditions and had given her application for VRS (F) on 20-6-2001. On that basis the management had taken examination of her son, Paresh Manjhi on 6-7-2001 and after that on 15-9-2001 her application for VRS(F) was rejected for giving employment to her son on the ground that she has crossed 55 years of age. It has been argued that she had applied well in time and her application has been rejected after that on the ground that she has crossed 55 years which is against the record of the management.

In this respect the document which has been issued by the management is very much important. As per Ext. W-4 the concerned workman, Pan Muni Manjhian, who has given VRS (F) letter has been written by Sr. Personnel Officer, Bhowra Coke Plant, intimating that to instruct her dependent son as mentioned in prescribed application form to present before Area Personnel Manager, E.J. Area on 6-7-2001 along with two attested self photograph for test. As per Ext. W-6 which is service Excerpt of the concerned workman, it shows that Pan Muni Manjhian's date of birth is 16-7-1946 and she has given application on 20-6-2001 which shows that on that date she has not crossed 55 years of age seeking VRS(F).

In this respect management's witness MW-1, S.D. Tripathy in cross-examination at page 5 stated that the concerned workman applied for VRS(F) on 20-6-2001. The concerned workman gave application on 5-2-2000 to the Ministry. He has also admitted that Service Excerpt of the concerned workman is Ext. W-6 in which her date of birth has been mentioned as 16-7-46. It shows that the concerned workman has not cross 55 years of age on the date of application of VRS(F) Scheme on 20-6-2001. When the concerned workman has not crossed 55 years of age further proceeding started for employment of her dependent son and on that ground after considering the

application of the concerned workman for giving dependent employment it cannot be rejected though she has attained 55 years of age so this benefit can be given to her because she has given application before attaining 55 years of age. It is latches on the part of the management when they have not taken step immediately to give employment to the dependent son of the concerned workman. So, rejection of giving employment to the dependent son of the concerned workman, as per Ext. W-5, is without any basis and against principle of natural justice.

Management's witness, MW-1, R.D. Tripathy, admitted that Female VRS was introduced in the year 1995. Second Scheme of VRS was introduced on 5-6-2001. On that basis the concerned workman applied for VRS on 20-6-2001 on which 20-6-2001 was last date for submission of the application.

Another argument advanced on behalf of the management is that Smt. Pan Muni Manjhian has completed 60 years of age and superannuated, on this ground her dependent son cannot be given employment. But it does not effect management's own circular for giving VRS(F) who has not attained 55 years of age. The circular was issued by the management on 5-6-2001 in which the concerned workman has given her application on 20-6-2001 as last date was mentioned management. So, if the management did not take any action and illegally rejected VRS(F) application of the concerned workmen, she is not responsible for this.

7. Considering the facts and circumstances stated above, it is held that the management of BCCL, Bhowra Coke Plant is not justified in not giving the benefit of VRS(F) to Smt. Pan Muni Manjhian. So, the dependent son of Smt. Pan Muni Manjhian, concerned workman, is entitled for employment in M/s. BCCL. The management is directed to give employment to the dependent son of Smt. Pan Muni Manjhian, namely, Paresh Manjhi, within 30 days from the date of publication of the award.

This is my Award.

H.M. SINGH, Presiding Officer

नई दिल्ली, 3 मार्च, 2011

का. आ. 977.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एयरफ्लोट रसियन एयरलाइन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, दिल्ली नं. 1 के पंचाट (संदर्भ संख्या 11/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-03-2011 को प्राप्त हुआ था।

[सं. 11012/04/2008-आई आर(सी-1)]
डी. एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 3rd March, 2011

S.O. 977.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 11/2010) of the Central Government Industrial Tribunal-cum-Labour Court-1, Delhi, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Aeroflot Russian Airlines and their workman, which was received by the Central Government on 03-03-2011.

[No. L-11012/04/2008-IR(C-I)]
D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. No. 11/2010

M/s. Aeroflot Russian Airlines,
Ground Floor, 15-17, Tolstoy House,
Tolstoy Marg,
New Delhi-110001

... Applicant/Management

Versus

Shri Jagpal
R/o RZ-131-Z, X-Block,
Nazafgarh,
New Delhi-110043

... Respondent/Workman

AWARD

Ground handling services were undertaken by Aeroflot Russian International Airlines, (hereinafter referred to as the Airlines) at I.G.I. Airport, New Delhi. The Airlines has employed a handful of employees for that purpose. Vide circular dated 28th of September, 2007, Director General Civil Aviation, took a decision to enlist agencies which can undertake ground handling services on various aerodroms. In anticipation of that decision, a press release was made by the Press Information Bureau, Government of India, New Delhi on 1st of February, 2007, informing that approval has been granted by Ministry of Civil Aviation regarding ground handling policy at Metropolitan Airports, including I.G.I. Airport, New Delhi. It was detailed in the Press Release that ground handling services at Metropolitan Airports would be carried out by respective Airport Operators itself by its joint venture and the Airlines, involved in ground handling will not be permitted to undertake self handling w.e.f. 1st of January, 2009. On the date of the press release, the Airlines was doing self handling at IGI Airport, New Delhi. The Press Release made employees of the Airlines panicky about their future. They started approaching other agencies for

employment and informed the Airlines that they would take employment elsewhere. 22 employees including operators of the Airlines tendered their resignation in August, 2007. Since ramp ground handling service require high level of cooperation and team work in a fixed time frame hence ramp ground handling services cannot be engaged in peace-meal and on account of resignation of its employees the Airlines took a decision to request Combata Civil Aviation Pvt. Ltd., to provide complete ramp ground handling service to them.

2. Aeroflot Employees Union (hereinafter referred to as the Union) raised an industrial dispute against the Airlines through demand letter dated 2nd of May 2005. Since the Airlines failed to consider their demands, the Union was left with no option but to initiate conciliation proceedings by way of filing a claim statement before the Conciliation Officer. When conciliation proceedings failed, a failure report was submitted by the Conciliation Officer to the appropriate Government. On consideration of that failure report, the appropriate Government had referred a dispute to this Tribunal for adjudication, vide order No. L-11012/II/2006-IR(CM-I), New Delhi dated 1st of June, 2006 wherein issues relating to demand of proper pay scales and other facilities under well defined service conditions applicable to the employees of the Airlines, doing ground handling jobs, were sent for adjudication.

3. During the pendency of the said dispute for adjudication, Rishi Pal, Suresh Kumar, Sunil Kumar Rath and Jagpal were served with charge sheet, wherein allegations were levelled that on 28-3-07, it was reported by them to a new channel that there was a great security threat at I.G.I. Airport, New Delhi due to actions of the Airlines, besides allegations that the aforesaid employees, who were working from last 12 years, claimed that they were not aware for whom they were working despite the fact that they were employees of the Airlines. Replies, submitted by the aforesaid employees to the charge sheets referred above, were found to be not satisfactory. The Airlines took a decision to hold a domestic enquiry in the charges levelled against the aforesaid employees and appointed an enquiry Officer vide order dated 4-5-07. The Enquiry Officer conducted an enquiry ex parte, when charge sheeted employees opted not to participate in the enquiry. He submitted his report dated 1-8-07 to the Airlines. Show cause notice dated 4-8-07 against the proposed punishment of dismissal from service was served on charge sheeted employees. Explanation offered by the charge sheeted employees were found to be not satisfactory. Charge sheeted employees were dismissed from service vide order dated 14-8-07. The Airlines preferred approval applications, as contemplated by clause (b) of sub-section (2) of Section 33 of the Industrial Disputes Act, 1947 (in short the Act) and paid an amount of Rs. 7500/- each to them, being equal to one month's salary, by money orders dated 14-8-2007, in lieu of one

month's notice. A prayer was made to this Tribunal to accord approval to the action of Airlines in dismissing the services of the charge sheeted employees.

4. In reply to the approval applications it was projected that Shri Suresh Kumar was the President, Rishi Pal was General Secretary, Jagpal was Secretary and Sunil Kumar Rathi was ordinary member of the union. The Union sought status of protected workman for them, by moving appropriate applications as well as seeking declaration from A.L.C. in that regard. It was agitated that when Airlines failed to respond to their applications within 15 days time frame, it was assumed that the aforesaid employees were granted status of protected workman. A claim was made that the Airlines cannot terminate services of protected workman, save with express permission in writing of the Tribunal before whom dispute, relating to proper pay scales and other facilities under well defined service conditions, was pending adjudication. The Union projected that the approval applications, moved by the Airlines are irrelevant, since an industrial dispute pends adjudication. A claim was made that the approval applications may be dismissed.

5. When report of the Enquiry Officer was under consideration, the Union moved an application before this Tribunal on 16-7-2007, seeking directions to restrain the Airlines from changing service conditions of members of the Union, besides seeking status of protected employees in terms of sub-section (4) of section 33 of the Act, read with rule 61 of the Industrial Disputes (Central) Rules, 1957 (in short the Rules). The said application was disposed of by this Tribunal vide order dated 13-8-2007, commanding the Airlines to comply the provisions of section 33 of the Act, in case it opts to discharge or dismiss the charge sheeted employees.

6. The Airlines dismissed the employees referred above, which issue was raised by them before Conciliation Officer by way of filing a claim statement. Conciliation proceedings resulted into a failure. Conciliation Officer submitted his report to the appropriate Government, as contemplated by sub-section (4) of section 12 of the Act. On consideration of the said failure report, the appropriate Government referred the dispute to this Tribunal, vide order No. L-110012/4/2008-IR(CMI), New Delhi, dated 14th of August, 2008 with following terms :

"Whether the action of the management of Russian International Airlines, New Delhi, in dismissing the services of S/Shri Suresh Kumar, Jagpal, Sunil Kumar Rathi and Rishi Pal is justified and legal ?

(2) To what relief are the concerned workmen entitled?"

7. Claim statement was filed, in response to the above reference, by the Union pleading that despite orders

passed by this Tribunal, the Airlines terminated services of two office bearers and one ordinary member of the Union, who were protected employees. It went on to detail that the Union sought status of protected workman from the Airlines vide its letter dated 13th of December, 2006, which communication was not responded to. Though there was an obligation on the Airlines to reply the said communication within a period of 15 days, as contemplated by sub-rule (2) of rule 61 of the Rules, yet the Airlines opted to maintain an eerie silence. The Union moved Assistant Labour Commissioner for seeking a declaration of protected workman. Since the aforesaid employees were protected workmen, the Airlines was under an obligation to obtain prior permission of this Tribunal to terminate their services. Since their case was covered by sub-section (3) of section 33 of the Act, the approval applications moved by the Airlines are irrelevant. The Airlines acted in utter disregard to the order dated 13-8-2007 passed by the Tribunal. It was projected that this Tribunal may not approve the illegal action taken by the Airlines, dismissing the aforesaid employees from their services and to reinstate them in service with continuity, full back wages and consequential benefits.

8. In reply to the approval applications it was projected that Shri Suresh Kumar was the President, Shri Rishi Pal was General Secretary, Jagpal was Secretary and Sunil Kumar Rathi was the ordinary member of the Union. The Union sought status of protected workman for them by moving appropriate applications as well as seeking declaration from Assistant Labour Commissioner in that regard. It was agitated that when the Airlines failed to reply their application within 15 days time frame, it was presumed that the aforesaid employees were granted status of protected workman. The Airlines cannot terminate services of protected workman, save with express permission in writing of the Tribunal, before whom dispute relating to the issue raised by the Union for proper pay scales and other facilities under well defined service conditions was pending adjudication. Approval applications are irrelevant, claims the Union.

9. The Airlines demurred the claim that the employees referred above had committed serious acts of misconduct, hence they were charge sheeted vide charge sheet dated 5th of April, 2007. Explanation submitted by them were found to be unsatisfactory, hence a decision was taken to hold domestic enquiry. Shri Jitesh Pandey, an independent and impartial person, was appointed as Enquiry Officer, vide letter dated 4-5-2007. Shri Pandey conducted the enquiry in accordance with the principles of natural justice and submitted his report dated 1st of August, 2007 to the Airlines. Since charges stood proved against the aforesaid employees, they were served with a show cause notice dated 4-8-2007, alongwith the copy of the enquiry report, calling them to submit their explanations as to why they should not be dismissed from service.

Explanation submitted by them were considered and found to be unsatisfactory. The Airlines decided to dismiss their services. Accordingly, their services were dismissed vide letter dated 14-8-2007. Since an industrial dispute was pending before this Tribunal, approval applications as contemplated by clause (b) of sub-section (2) of Section 33 of the Act were moved and simultaneously one month's salary was sent to them by money order. It has been disputed that the aforesaid employees were protected workmen. The Airlines claimed that letter dated 13-12-06 and its postal receipts were manipulated documents. No such letter was ever received by Airlines, hence there was no question of its reply. It has been projected that when ramp ground handling services were given to Combata Civil Aviation Pvt. Ltd., the Airlines had to retrench 29 employees on 14th of September, 2007. Since the Airlines is not doing ramp ground handling services, claim of the Union for reinstatement of the services of the aforesaid employees had become infructuous. The Airlines projected that the provisions of clause (b) of sub-section (2) of section 33 of the Act are applicable to the controversy under reference, hence approval applications were moved. The dismissed employees were never declared as protected employees, hence claim of the Union that provisions of sub-section (3) of section 33 of the Act are attracted, is uncalled for. It has been agitated that the dispute referred by the Government may be dismissed and action of dismissal of the aforesaid employees may be approved.

10. On approval applications following issues were settled :

- (1) Whether the claimant was protected workman ?
- (2) Whether action of the management in terminating the services of the workman is legal, fair and justified? If yes, whether approval needs to be granted to the management ?
- (3) Relief.

11. Though no issue as to virus of the enquiry proceedings was settled in the approval application, yet the Tribunal thought it expedient to deal that proposition at thresh-hold. Parties called upon to adduce evidence on that proposition. To discharge onus resting on it, Airlines examined Shri Jitesh Pandey, the Enquiry Officer. The Union brought Shri Suresh Kumar in the witness box to rebut facts unfolded by Shri Pandey. No other witness was examined by either of the parties.

12. After hearing Shri M.K. Dwivedi, authorized representative for the Airlines, and Shri M.A. Niazi, authorized representative of the Union and on appreciation of evidence produced by the parties, issue relating to virus of the enquiry was adjudicated vide order dated 12-11-2010 and it was concluded that the enquiry conducted by the Airlines was neither just nor fair nor

proper. It was commended that order dated 14-8-07, on the strength of which charge sheeted employees were dismissed, cannot be given a favourable node.

13. When question relating to virus of enquiry proceedings has been answered against the management and an industrial dispute for adjudication of justifiability and legality of dismissal of the aforesaid employees pends articulation, a proposition arises as to whether approval applications have lost its efficacy. Hence parties were heard. Shri M.A. Niazi, authorised representative, raised his submissions on behalf of the Union. Shri M.K. Dwivedi authorised representative, presented his point of view on behalf of the Airlines. I have given my careful consideration to the arguments advanced at the bar and perused the record. My findings on issues involved in the controversy are as follows.

14. In Bhagubhai Balubhai Patel (1976 Lab. I.C. 4) the Apex Court ruled that the jurisdiction under section 33 of the Act is confined only to see whether a prima facie case has been made out and the Authority "does not sit as a court of appeal, weighing or appreciating the evidence for itself but only examines the findings of the Enquiry Officer on the evidence in domestic enquiry as it is, in order to find out either whether there is a prima facie case or if the findings are perverse" for arriving at the finding that the charge has been proved, but struck to the adjudication scrutiny of the domestic enquiry and the bona-fides of the employer. Accordingly, it is open to the Authority under section 33 of the Act to review the findings of fact arrived at in the domestic enquiry, the question of adequacy or sufficiency of the evidence, however, were not considered relevant in this limited jurisdiction, by the Apex Court in Lord Krishna Textiles Mills [1961(1) L.L.J. 211]. The Apex Court detailed the scope of two fold approach to the problem by an Authority under Section 33 of the Act in granting or refusing permission in Bhagubhai Balubhai Patel (supra) in the following words :

"Firstly in a case where there is no defect in procedure in the course of a domestic enquiry into the charges for misconduct against an employee, the Tribunal can interfere with an order of dismissal on one or other of the following conditions :

- (1) If there is no legal evidence at all recorded in the domestic enquiry against the concerned employee with reference to the charge or if no reasonable person can arrive at a conclusion of guilt on the charge levelled against the employee on the evidence recorded against him in the domestic enquiry. This is what is known as perverse finding.

- (2) Even if there is some legal evidence in the domestic enquiry but there is no prima facie case of guilt made out against the person charged for the offence even on the basis that the evidence so recorded is reliable. Such a case may overlap to some extent with the second part of the condition No. 1 above. A prima facie case is not, as in a criminal case, a case proved to the hilt.

It must be made clear in following the above principles, one or the other, as may be applicable in a particular case, the Tribunal does not sit as a court of appeal, weighing or reappreciating the evidence for itself but only examines the finding of the enquiry officer on the evidence in the domestic enquiry as it is in order to find out either whether there is a prima facie case or if the findings are perverse.

Secondly, in the same case, i.e., where there is no failure of the principles of natural justice in the course of domestic enquiry, if the Tribunal finds that dismissal of an employee is by way of victimisation or unfair labour practice, it will then have complete jurisdiction to interfere with the order of dismissal passed in the domestic enquiry. In that event the fact that there is no violation of the principles of natural justice in the course of the domestic enquiry will absolutely lose its importance or efficacy."

15. The enquiry contemplated by clause (b) of sub section (2) of section 33 of the Act, with respect to the validity and legality of the domestic enquiry, is of very limited nature. The Tribunal can disregard the findings entered by the Enquiry Officer only if they are perverse. A finding can be said to be perverse in case not supported by legal evidence. If the finding is not perverse one and if there is a prima facie evidence to support the finding, the Authority under section 33 of the Act cannot refuse to grant approval to the order passed by the management. Reference can be made to K.N. Mohanan [1993(II) L.L.J. 514]. The Apex Court in catena of precedents, in parallel to reference cases under section 10 of the Act has ruled that even under section 33, where employer had held no enquiry or the domestic enquiry held by him is found to be vitiated by the Tribunal, the right of the employer to justify action of discharge or dismissal taken by him against the delinquent workman by adducing relevant evidence, for the first time before the Authority is well recognized. Reference can be made to the precedents in Bharat Sugar Mills Ltd. [1961 (II) LLJ 644], Ritz Theatre (Pvt.) Ltd. [1962 (II) LLJ 498], P.H. Kalyani [1963 (I) LLJ 679], Motipur Sugar Factory (Pvt.) Ltd. [1965 (II) LLJ 162], Jitendra Chandrakar [1971 (I) LLJ 543], Ganesh Dutt [1972 (I) LLJ 172], Firestone Tyre & Rubber Company of India

(Pvt.) Ltd. [1973 (I) LLJ 278], Bhagubhai Balubhai Patel (supra), Britania Biscuit Company Ltd. [1977 (I) LLJ 197] and K.M. Dev (1985 Lab. I.C. 254). Likewise right of the workman to lead evidence contra has been recognized. In such cases the entire matter is open before the Authority, which will have jurisdiction not only to go into the limited question of validity of the enquiry and the bona fides of the employer but also to satisfy itself, on facts before it, whether the action was justified. In other words, in such situation jurisdiction of the Authority is not confined to prima facie examination of the employer's action and the Authority can come to his own conclusion on consideration of evidence adduced before it. Reference can be made to the precedent in Motipur Sugar Factory Pvt. Ltd. (supra), Firestone Tyre and Rubber Company of India Ltd. (supra) and Radio and Electrical Manufacturing Company Ltd. [1978 (II) LLJ 131].

16. As detailed above, jurisdiction of this Tribunal under section 33 of the Act has been made parallel to its jurisdiction under section 10 of the Act. What the Tribunal is required to adjudicate on this approval applications, that very course is available to the parties when dispute referred above would be articulated. Two remedies are open to the workman viz. he may lodge a complaint under section 33-A or seek prosecution of the Airlines under section 31(1) or may seek a reference under section 10 and have its adjudication when he claims contravention of the provisions of section 33 of the Act. Since approval application was moved the only recourse adopted by the charge sheeted employees was under section 10 of the Act and a dispute was referred by the appropriate Government to this Tribunal for adjudication. In case these applications are disposed of, pending adjudication of the reference, doctrine of prejudice cannot rob the Airlines of its right to prove misconduct of the charge sheeted employee and adjudication of the dispute referred by the appropriate Government. Pendency of these approval applications will only multiply the litigation.

17. The rights or defences, which are available to the Airlines in these approval applications, can be claimed by it in the adjudication of the reference. Therefore, it is thought expedient to dispose of these approval applications with a command that disposal of the approval applications by this award will be subject to the outcome of the dispute, referred by the appropriate Government to this Tribunal. Consequently, approval applications are disposed of with a command that the award passed herein would be subject to the findings that would be recorded on adjudication of the dispute referred by the appropriate Government. An award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dated : 07-01-2011

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 3 मार्च, 2011

का. आ. 978.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-2 के पंचाट (संदर्भ संख्या 120/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2011 को प्राप्त हुआ था।

[सं. एल-20012/346/1994-आई आर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 3rd March, 2011

S.O. 978.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 120/1995) of the Central Government Industrial Tribunal-cum-Labour Court-2 Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 3-3-2011.

[No. L-20012/346/1994-IR(C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD****Present :**

Shri Kishori Ram, Presiding Officer

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 120 of 1995

Parties : Employers in relation to the management of Katras Area of M/s. BCCL and their workman.

APPEARANCES

On behalf of the employers : Mr. H. Nath,
Advocate

On behalf of the workman : Mr. B. B. Pandey,
Advocate

State : Jharkhand Industry : Coal
Dhanbad, the 17th January, 2011

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/346/94-I.R. (Coal-I), dated, the 30th August, 1995.

SCHEDULE

"Whether the demand of the Union for reinstatement of Sri Basant Bhuian, Ex-Miner/Loader of Keshalpur Colliery w.e.f. 17-2-93 by the management of Keshalpur under Katras Area of M/s. BCCL is justified ? If so, to what relief is the workman entitled ?"

2. The case of the workman Basant Bhuian, husband of Smt. Sabujwa Bhuini, Wagon Loader, Salanpur Colliery was appointed as Miner/Loader in place of his wife under V.R.S. (Voluntary Retirement Scheme) (Female). He was posted at Kesalpur Colliery as per letter No. KA/PD/VRS/323/5200 dated 3/4-6-87. He and his wife peacefully lived. He worked in Kesalpur Colliery for 6 years. But a charge-sheet No. KP/BCCL/Dy/CME/PD/CS/3461, dated 15-11-91 was issued against him that he got the said employment by fraudulent means, claiming to be the husband of Smt. Sabujwa Bhuini. On his show cause reply it was found unsatisfactory, in the result a domestic enquiry was held by Shri K. S. Singh, Personnel Manager, Katras Area as the Enquiry Officer. The workman participated in it, pleaded not guilty to the charge. He also produced his legal document of marriage having been socially entered with Smt. Sabujwa Bhuini. She had also admitted her marriage with him, but she had complained to the management about her non-maintenance by him. After considering the aforesaid evidence, though the Enquiry Officer found him not guilty of the charges, yet the higher management disagreeing with his report ordered for a fresh enquiry.

3. Consequently Shri M. C. Yadav as the Enquiry Officer again held an afresh enquiry. On examination of witnesses, he found the workman guilty of the charges and submitted his report, on the basis of which the workman was dismissed. Since there was no successful conciliation in the industrial dispute raised by the union of the workman, hence the industrial dispute came to this Tribunal for adjudication. Further it is pleaded that the case triggered of the complaint of Smt. Sabujwa Bhuini and Panku Bhuia, Dumper Khalasi, East Katras Colliery which was lodged before P. Jha, P. M. (IR) on 12-11-91 that the workman was not her husband rather her husband was Panku Bhuia. Basant Bhuian was said to be Basant Beldar, and was actually not the husband of Sabujwa Bhuini. Basant Bhuian denied all the allegation as false and mischievous, and produced his registered deed of marriage with her along with the photo copies affixed to it. In the first enquiry both Panku Bhuia and Sabujwa Devi had claimed to be the husband and wife, and had one son and two daughters. The management admitted not to have verified whether they were husband and wife and they had children; although working in different collieries of Katras Area Sabujwa has stated that they were married prior to the nationalisation of the colliery, but the Panku has stated that they were married in 1977. Basant Bhuia

stated that Sabujwa insisted for legal marriage on the ground of her doubt that Basant Bhuia might neglect her after getting the job under V. R. S. (Female). On the consideration of these facts, the Enquiry Officer K. S. Singh found the workman not guilty of the charge. The first enquiry into the charges against the workman did not prove, so the second enquiry for the same was not necessary. Further pleaded by the workman that the production of Form F of both Sabujwa and Panku Bhuia by the management could have easily proved a decisive factor the appointment of workman as fraudulent if Sabujwa was found to be the wife of Panku but that record was not also produced by the management in the second enquiry despite specific point to it. Moreover, the second enquiry for the same unproved charges without its justification is a bone of contention. Because of the fact that mere differences of the statements workman and Smt. Sabujwa Bhuini as husband and wife in their respective statement concerning their marriages, age and name of children etc. as noted in 4 points and accordingly recommended by the Project Officer, for his dismissal. It was agreed by Dy. C. P. M., on whose proposal the order of his dismissal from his service was passed by the G. M. Katras Area which was quite unfair and improper and contrary to the natural justice, for it was based on doubt only and without consideration of the illiterate status of Sabujwa Bhuini as well as the evidence and circumstances of the case. As such the punishment was alleged to be quite unfair. Further pleaded that the workman was chargesheeted after 6 years.

4. Whereas specifically denying the allegations made in the W.S. of the workman concerned, the pleaded case of the management is that the workman Basant Beldar appointed in the name of Basant Bhuia as the husband of Smt. Sabujwa Bhuini on her V. R. S. conspired as per appointment letter dated 3/4-6-1987, and he continued to work in the colliery without any objection. In the year 1981, it came to the light through Newspaper the "Awaj" dated 2-11-91 widely circulated in the locality that Sabujwa Bhuini was really the wife of Shri Panku Bhuia, a workman working in the company in the same area, but she surreptitiously gave the workman her employment on false and fabricated document. She and her husband Panku Bhuia gave their statement under their thumb impression before Shri P. Jha, the Personnel Manager of the Area that Shri Panku Bhuia was her real husband and the workman could not be her husband. On their statement as well as news circulated in the aforesaid newspaper, the workman was issued Chargesheet dated 15-11-1991 by the management for his misconduct of dishonesty and giving false information regarding relationship between the husband and wife under clause 26.1.11 and 26.1.12 of the Certified Standing Order. On his reply to the chargesheet Shri S. K. Singh, the Personnel Manager of Keshalpur Colliery though conducted the departmental enquiry in presence of the workman yet could not give any definite finding to the charges against him mentioning in his enquiry

report—'The creation of confusion of all such informations and the circumstances thereof were too difficult to conclude it, so it was requested to appoint other Enquiry Officer to properly evaluate the evidence for definite finding over the relationship between the concerned workman and Smt. Sabujwa Bhuini, as it was a case of serious fraud practiced on the basis of manufactured document.'

5. Consequently Shri M. C. Yadav, the Personnel Manager of the area as per his appointment letter dated 17-7-92 of Dy. Chief Mining Engineer/Agent of Keshalpur Colliery, held the departmental enquiry as the Enquiry Officer in presence of the workman and his co-worker in accordance with the principle of natural justice. The earlier statement of aforesaid Panku Bhuia, the Dumper Khalasi of East Katras Colliery and Smt. Sabujwa Bhuini were proved by Shri P. Jha as a witness in the Enquiry. On fairly and properly conducting the enquiry, the Enquiry Officer (Shri M. C. Yadav) submitted his enquiry report dated 28-1-1993 that in the service particulars of Panku Bhuia Smt. Sabujwa Bhuini was shown as his wife, with one son and one daughter aged 6 and 10 years old respectively as their dependents; since both of them were working in different collieries in the same area, the concerned workman somehow or the other influenced Smt. Sabujwa, and asked her to swear an affidavit declaring him as her husband so that he could get an employment and she could remain peacefully with him as husband and wife. The enquiry report also described the swearing of the affidavit by Smt. Sabujwa Bhuini on 20-11-1985 concerning the workman as her husband due to possibilities of some strain relationship between Panku Bhuia and her. The concerned workman got one marriage certificate on 2-1-1986 from Shri R. P. Singh, Marriage Officer, Chas., describing him as the husband of Smt. Sabujwa Bhuini. On the consideration of those two documents, the management provided him employment. The fact remained concealed until its knowledge came to Shri Panku Bhuia who knew the details between his wife and the concerned workman, and represented it before the Press as well as before the management, challenging the authority of the so-called marriage and the employment of the concerned workman as the husband of his wife. On due consideration of the matter involved the aforesaid Enquiry Officer, M. C. Yadav gave his finding concerning the workman as not the husband of aforesaid Smt. Sabujwa, as well as the procurement of aforesaid both documents namely affidavit and the marriage certificate after the deal between the workman and Smt. Sabujwa Bhuini as per their settlement possibly based on the possibility of consideration of money payable to her by the workman. The possibility of quarrel amongst them in a period of four years or so was the cause for Smt. Sabujwa Bhuini and her husband Panku Bhuia to report the matter to the management and authorities concerned for drawing the present proceeding. As such the action of the management in dismissal of the workman from his service on the ground of misconduct of

dishonesty with the forged document was alleged to be legal, justified and no entitlement of any relief to the workman.

6. As per the proved materials available on the case record, I find MW-2 Kripa Sankar Singh known as K. S. Singh, the Personnel Manager, as the Enquiry officer after holding initial domestic enquiry into the charges levelled against the workman (in the year 1991) submitted his report Ext. M-5—"I fail to arrive into any conclusion. I requested the management to take up further enquiry against the concerned workman . . . , thereafter I was transferred to Block-II Area" as apparent from his deposition before this Tribunal. Since the first enquiry report (Ext. M-5) lacked concrete conclusion of the aforesaid Mr. K. S. Singh (the first enquiry officer) on account of certain confusion rendering it too difficult for him to hold the concerned workman guilty for the charges stated in the chargesheet, MW-3 M. C. Yadav, Personnel Manager of Kessurghar Colliery under the same Katras Area was duly appointed as the enquiry officer to hold the second domestic enquiry ("denovo") against the workman in the year 1992 identifying all the papers relating to the enquiry proceeding, he proved the enquiry proceeding as Ext. M-1 to M-11. After completion of the domestic enquiry he submitted his enquiry report (Ext. M-9) to the Disciplinary authority wherein he had found the concerned workman guilty of the charges and thereafter the concerned workman was dismissed from his service. The evidence of MW-1 Deepak Kumar Viswakarma as the Legal Assistant of Katras office confirms his full awareness of the facts. So the aforesaid documents were produced and marked as exhibits mentioned above on the formal proof dispensed with. But the aforesaid MW-3 M. C. Yadav has proved all those documents concerning the enquiry proceeding as earlier mentioned which include chargesheet, the enquiry report dated 28-1-93, notesheet and the dismissal order which have been proved as Exts. M-1, M-9, M-10 and Ext. M-11 respectively by the aforesaid Enquiry Officer before the Tribunal, whereas WW-1 Basant Bhuia who is the workman himself has proved his two documents, the photo copy of alleged marriage certificate as Ext. W-1, (on no objection) and the death certificate in original of Sabujwa Bhuini as Ext. W-2 in support of his own case or claim.

7. Going through the documentary proof namely the Inquiry Report (Ext. M-9) in view of the charges under clause 26.1.11 and 26.1.12 of the Certified Standing order (hereinafter referred to as C.S.O), I find that the finding of MW-3 M. C. Yadav as the Enquiry Officer/Personnel Manager is based on the statement of Shri Ramji Singh, the management representative, Panku Bhuia and P. Jha, the Personnel Manager (both latter as Management witness No. 1 and 2 respectively) on behalf of the management and the statement of workman Basant Bhuia.

8. The statements of Panku Bhuia and his wife Smt. Sabujwa Bhuini personally recorded by Shri P. Jha the

Personnel Manager on their complain dated 12-11-91 (Ext. M-8/9) before the Management prove that workman Basant Bhuia managed to obtain his employment as her fake husband fraudulently in place of her under Voluntary Retirement Scheme (female) but later on, aforesaid Panku Bhuia and her wife Smt. Sabujwa Bhuini turned hostile as managed by the workman himself. Moreover, the workman admitted in his statement to have mistakenly left the name of Smt. Sabujwa Bhuini as a nominee in (his service excerpt) Form 'F', so as such the real relation of the workman as husband of Smt. Sabujwa Bhuini was found ambiguous which is evident from the Inquiry Report (Ext. M-3).

9. On the aforesaid ground, Shri M. C. Yadav (the then Personnel Manager) of Katras Area Office, as the Inquiry Officer held the workman concerned as the guilty of the charges. But the workman Basant Bhuia as WW-1 in support of his claim as also stated in his reply (Ext. M-2) that he was the husband of Smt. Sabujwa Bhuini but he has stated in his deposition that Panku Bhuia had stated in the enquiry proceeding that this Sabujwa Bhuini was not the wife rather another Sabujwa Bhuini was his wife. But the evidence of the workman about the existence of two women Sabujwa Bhuini being unpleaded is inadmissible in the eye of law. The workman's claim as the husband of disputed lady Sabujwa Bhuini rests upon the photo copy of his marriage certificate (Ext. W-1) which is not conclusive proof of his marriage with Sabujwa Bhuini because it relates to his alleged marriage with her on 23-6-79 which is apparently contrary to his oral evidence that he was married to her in 1976-78. The proof of death certificate of Sabujwa Bhuini as Ext. W-2 by him in course of his deposition has been proved to show him as her husband but this fact in lack of pleading closes its probity in the eye of law.

10. In the light of the evidence adduced on behalf of both the parties, Shri B. B. Pandey, the Ld. Counsel for the workman has submitted that no charges as levelled against the workman have been proved by the management and that he should be reinstated in service with back wages. Whereas Shri H. Nath, Ld. Advocate for the management seems to have irrationally conceded accordingly in favour of the workman but without back wages perhaps in view of the domestic enquiry which was already held unfair. But in the instant case after its scrutiny of the oral and documentary evidence of both the parties I find that out of two charges only the charge under clause 26.1.12 has been proved by the management crystal clearly against the concerned workman Basant Bhuia who gave false information regarding particulars of one Sabujwa Bhuini as his own wife for the purpose of the present employment. Accordingly on the recommendation (Ext. M-10) of the Project Officer, Keshalpur Colliery which is based on the enquiry report (Ext. M-9) of Shri M. C. Yadav as the Enquiry Officer, the workman Shri Basant Bhuia has been dismissed from his service under clause 27.2.6 of the Certified Standing

Order by the General Manager, Katras Area on 12-2-93 as per letter dated 14/17-2-93 (Ext. M-11) issued by the project Officer concerned to the workman in view of the gravity of his aforesaid proved misconduct. Accordingly I hold that any employment obtained on false information is non-entity or non-est concerning this workman.

11. Under the circumstances, I find and hold that the demand of the union for reinstatement of Basant Bhuia, Ex-Miner/Loader, Keshalpur Colliery with effect from 17-2-93 by the management of Keshalpur Colliery under Katras Area of BCCL is quite unjustified. So the workman is not entitled to any relief whatsoever.

KISHORI RAM, Presiding Officer

नई दिल्ली, 3 मार्च, 2011

का. आ. 979.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरोफ्लोट रशियन एयरलाइन्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, दिल्ली नं.-1 के पंचाट (संदर्भ संख्या 13/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2011 को प्राप्त हुआ था।

[सं. एल-11012/04/2008-आई आर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 3rd March, 2011

S.O. 979.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 13/2010) of the Central Government Industrial Tribunal-cum-Labour Court-1, Delhi, as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Aeroflot Russian Airlines and their workman, which was received by the Central Government on 3-3-2011.

[No. L-11012/04/2008-IR(C-1)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOMA COURTS COMPLEX, DELHI

I.D. No. 13/2010

M/s. Aeroflot Russian Airlines,
Ground Floor, 15-17, Tolstoy House,
Tolstoy Marg,
New Delhi-110001

Applicant/Management

Versus

Shri Sunil Kumar Rathi,
S/o Sh. Mukhtiar Singh,
R/o Vill. Goyala Khurd,
Nazafgarh, Pole No. 19,
New Delhi-110071.

Respondent/Workman

AWARD

Ground handling services were undertaken by Aeroflot Russian International Airlines, (hereinafter referred to as the Airlines) at I.G.I. Airport, New Delhi. The Airlines has employed a handful of employees for that purpose. Vide circular dated 28th of September, 2007, Director General Civil Aviation, took a decision to enlist agencies which can undertake ground handling services on various aerodromes. In anticipation of that decision, a press release was made by the Press Information Bureau, Government of India, New Delhi on 1st of February, 2007, informing that approval has been granted by Ministry of Civil Aviation regarding ground handling policy at Metropolitan Airports, including I.G.I. Airport, New Delhi. It was detailed in the Press Release that ground handling services at Metropolitan Airports would be carried out by respective Airport Operators itself by its joint venture and the Airlines, involved in ground handling will not be permitted to undertake self handling w.e.f. 1st of January, 2009. On the date of the press release, the Airlines was doing self handling at IGI Airport, New Delhi. The Press Release made employees of the Airlines panicky about their future. They started approaching other agencies for employment and informed the Airlines that they would take employment elsewhere. 22 employees including operators of the Airlines tendered their resignation in August, 2007. Since ramp ground handling service require high level of cooperation and team work in a fixed time frame hence ramp ground handling services cannot be engaged in peace-meal and on account of resignation of its employees the Airlines took a decision to request Comba Civil Aviation Pvt. Ltd., to provide complete ramp ground handling service to them.

2. Aeroflot Employees Union (hereinafter referred to as the Union) raised an industrial dispute against the Airlines through demand letter dated 2nd of May, 2005. Since the Airlines failed to consider their demands, the Union was left with no option but to initiate conciliation proceedings by way of filing a claim statement before the Conciliation Officer. When conciliation proceedings failed, a failure report was submitted by the Conciliation Officer to the appropriate Government. On consideration of that failure report, the appropriate Government had referred a dispute to this Tribunal for adjudication, vide order No. L-11012/11/2006-IR(CM-I), New Delhi dated 1st of June, 2006 wherein issues relating to demand of proper pay scales and other facilities under well defined service conditions applicable to the employees of the Airlines, doing ground handling jobs, were sent for adjudication.

3. During the pendency of the said dispute for adjudication, Rishi Pal, Suresh Kumar, Sunil Kumar Rathi and Jagpal were served with charge sheet, wherein allegations were levelled that on 28-3-07, it was reported by them to a news channel that there was a great security threat at I.G.I. Airport, New Delhi due to actions of the

Airlines, besides allegations that the aforesaid employees, who were working from last 12 years, claimed that they were not aware for whom they were working despite the fact that they were employees of the Airlines. Replies, submitted by the aforesaid employees to the charge sheets referred above, were found to be not satisfactory. The Airlines took a decision to hold a domestic enquiry in the charges levelled against the aforesaid employees and appointed an Enquiry Officer vide order dated 4-5-07. The Enquiry Officer conducted an enquiry ex-parte, when charge sheeted employees opted not to participate in the enquiry. He submitted his report dated 1-8-07 to the Airlines. Show cause notice dated 4-8-07 against the proposed punishment of dismissal from service was served on charge sheeted employees. Explanation offered by the charge sheeted employees were found to be not satisfactory. Charge sheeted employees were dismissed from service vide order dated 14-8-07. The Airlines preferred approval applications, as contemplated by clause (b) of Sub-section (2) of Section 33 of the Industrial Disputes Act, 1947 (in short the Act) and paid an amount of Rs. 7500 each to them, being equal to one month's salary, by money orders dated 14-8-2007, in lieu of one month's notice. A prayer was made to this Tribunal to accord approval to the action of Airlines in dismissing the services of the charge sheeted employees.

4. In reply to the approval applications it was projected that Shri Suresh Kumar was the President, Rishi Pal was General Secretary, Jagpal was Secretary and Sunil Kumar Rathi was ordinary member of the union. The Union sought status of protected workman for them, by moving appropriate applications as well as seeking declaration from A.L.C. in that regard. It was agitated that when Airlines failed to respond to their applications within 15 days time frame, it was assumed that the aforesaid employees were granted status of protected workman. A claim was made that the Airlines cannot terminate services of protected workman, save with express permission in writing of the Tribunal before whom dispute, relating to proper pay scales and other facilities under well defined service conditions, was pending adjudication. The Union projected that the approval applications, moved by the Airlines are irrelevant, since an industrial dispute pends adjudication. A claim was made that the approval applications may be dismissed.

5. When report of the Enquiry Officer was under consideration, the Union moved an application before this Tribunal on 16-7-2007, seeking directions to restrain the Airlines from changing service conditions of members of the Union, besides seeking status of protected employees in terms of Sub-section (4) of Section 33 of the Act read with rule 61 of the Industrial Disputes (Central) Rules 1957 (in short the Rules). The said application was disposed of by this tribunal vide order dated 13-8-2007, commanding the Airlines to comply the provisions of

Section 33 of the Act, in case it opts to discharge or dismiss the charge sheeted employees.

6. The Airlines dismissed the employees referred above, which issue was raised by them before Conciliation Officer by way of filing a claim statement. Conciliation proceedings resulted into a failure. Conciliation Officer submitted his report to the appropriate Government, as contemplated by sub-section (4) of section 12 of the Act. On consideration of the said failure report, the appropriate Government referred the dispute to this Tribunal, vide order No. L-110012/4/2008-1R(CM-I), New Delhi, dated 14th of August, 2008 with following terms :

"Whether the action of the management of Russian International Airlines, New Delhi, in dismissing the services of S/Shri Suresh Kumar, Jagpal, Sunil Kumar Rathi and Rishi Pal is justified and legal ?

2. To what relief are the concerned workmen entitled ?"

7. Claim statement was filed, in response to the above reference, by the Union pleading that despite orders passed by this Tribunal, the Airlines terminated services of two office bearers and one ordinary members of the Union, who were protected employees. It went on to detail that the Union sought status of protected workman from the Airlines vide its letter dated 13th of December, 2006, which communication was not responded to. Though there was an obligation on the Airlines to reply the said communication within a period of 15 days, as contemplated by Sub-rule (2) of Rule 61 of the Rules, yet the Airlines opted to maintain an eerie silence. The Union moved Assistant Labour Commissioner for seeking a declaration of protected workman. Since the aforesaid employees were protected workmen. The Airlines was under an obligation to obtain prior permission of this Tribunal to terminate their services. Since their case was covered by Sub-section (3) of Section 33 of the Act, the approval applications moved by the Airlines are irrelevant. The Airlines acted in utter disregard to the order dated 13-8-2007 passed by the Tribunal. It was projected that this Tribunal may not approve the illegal action taken by the Airlines, dismissing the aforesaid employees from their services and to reinstate them in service with continuity, full back wages, and consequential benefits.

8. In reply to the approval applications it was projected that Shri Suresh Kumar was the President, Shri Rishi Pal was General Secretary, Jagpal was Secretary and Sunil Kumar Rathi was the ordinary member of the Union. The Union sought status of protected workmen for them by moving appropriate applications as well as seeking declaration from Assistant Labour Commissioner in that regard. It was agitated that when the Airlines failed to reply their application within 15 days time frame, it was presumed that the aforesaid employees were granted status of protected workmen. The Airlines cannot terminate

services of protected workman, save with express permission in writing of the Tribunal, before whom dispute relating to the issue raised by the Union for proper pay scales and other facilities under well defined service conditions was pending adjudication. Approval applications are irrelevant, claims the Union.

9. The Airlines demurred the claim that the employees referred above had committed serious acts of misconduct, hence they were charge sheeted vide charge sheet dated 5th of April, 2007. Explanation submitted by them were found to be unsatisfactory, hence a decision was taken to hold domestic enquiry. Shri Jitesh Pandey, an independent and impartial person, was appointed as Enquiry Officer, vide letter dated 4-5-2007. Shri Pandey conducted the enquiry in accordance with the principles of natural justice and submitted his report dated 1st of August, 2007 to the Airlines. Since charges stood proved against the aforesaid employees, they were served with a show cause notice dated 4-8-2007, along with the copy of the enquiry report, calling them to submit their explanations as to why they should not be dismissed from service. Explanation submitted by them were considered and found to be unsatisfactory. The Airlines decided to dismiss their services. Accordingly their services were dismissed vide letter dated 14-8-2007. Since an industrial dispute was pending before this Tribunal, approval applications as contemplated by clause (b) of Sub-section (2) of Section 33 of the Act were moved and simultaneously one months salary was sent to them by money order it has been disputed that the aforesaid employees were protected workmen. The Airlines claimed that letter dated 13-12-06 and its postal receipts were manipulated documents. No such letter was ever received by Airlines, hence there was no question of its reply. It has been projected that when ramp ground handling services were given to Combata Civil Aviation Pvt. Ltd., the Airlines had to retrench 29 employees on 14th of September, 2007. Since the Airlines is not doing ramp ground-handling services, claim of the Union for reinstatement of the services of the aforesaid employees had become infructuous. The Airlines projected that the provisions of clause (b) of Sub-section (2) of Section 33 of the Act are applicable to the controversy under reference, hence approval applications were moved. The dismissed employees were never declared as protected employees, hence claim of the Union that provisions of Sub-section (3) of Section 33 of the Act are attracted, is uncalled for. It has been agitated that the dispute referred by the Government may be dismissed and action of dismissal of the aforesaid employees may be approved.

10. On approval applications following issues were settled :

1. Whether the claimant was protected workman ?
2. Whether action of the management in terminating the services of the workman is legal,

fair and justified ? If yes, whether approval needs to be granted to the management ?

3. Relief

11. Though no issue as to virus of the enquiry proceedings was settled in the approval application, yet the Tribunal thought it expedient to deal that proposition at thresh-hold. Parties called upon to adduce evidence on that proposition. To discharge onus resting on it, Airlines examined Shri Jitesh Pandey, the Enquiry Officer. The Union brought Shri Suresh Kumar in the witness box to rebut facts unfolded by Shri Pandey. No other witness was examined by either of the parties.

12. After hearing Shri M.K. Dwivedi, authorized representative for the Airlines, and Shri M.A. Niazi, authorized representative of the Union and on appreciation of evidence produced by the parties, issue relating to virus of the enquiry was adjudicated vide order dated 12-11-2010 and it was concluded that the enquiry conducted by the Airlines was neither just nor fair nor proper. It was commended that order dated 14-8-07, on the strength of which charge sheeted employees were dismissed, cannot be given a favourable node.

13. When question relating to virus of enquiry proceedings has been answered against the management and an industrial dispute for adjudication of justifiability and legality of dismissal of the aforesaid employees pends articulation, a proposition arises as to whether approval applications have lost its efficacy. Hence parties were heard Shri M.A. Niazi, authorised representative, raised his submissions on behalf of the Union. Shri M.K. Dwivedi authorised representative, presented his point of view on behalf of the Airlines. I have given my careful consideration to the arguments advanced at the bar and perused the record. My findings on issues involved in the controversy are as follows.

14. In Bhagubhai Balubhai Patel (1976 Lab. I.C. 4) the Apex Court rules that the jurisdiction under Section 33 of the Act is confined only to see whether a prima facie case has been made out and the Authority "does not sit as a Court of appeal, weighing or appreciating the evidence for itself but only examines the findings of the Enquiry Officer on the evidence in domestic enquiry as it is, in order to find out either whether there is a prima facie case or if the findings are perverse" for arriving at the finding that the charge has been proved, but struck to the adjudication scrutiny of the domestic enquiry and the bonafides of the employer. Accordingly, it is open to the Authority under Section 33 of the Act to review the findings of fact arrived at in the domestic enquiry, the question of adequacy or sufficiency of the evidence, however, were not considered relevant in this limited jurisdiction, by the Apex Court in Lord Krishna Textiles Mills [1961(1) L.L.J. 211]. The Apex Court detailed the scope of two fold approach to the problem by an Authority

under section 33 of the Act in granting or refusing permission in Bhagubhai Balubhai Patel (supra) in the following words :

“Firstly in a case where there is no defect in procedure in the course of a domestic enquiry into the charges for misconduct against an employee, the Tribunal can interfere with an order of dismissal on one or other of the following conditions :

- (1) If there is no legal evidence at all recorded in the domestic enquiry against the concerned employee with reference to the charge or if no reasonable person can arrive at a conclusion of guilt on the charge levelled against the employee on the evidence recorded against him in the domestic enquiry. This is what is known as perverse finding.
- (2) Even if there is some legal evidence in the domestic enquiry but there is no prima facie case of guilt made out against the person charged for the offence even on the basis that the evidence so recorded is reliable. Such a case may overlap to some extent with the second part of the condition No. 1 above. A prima facie case is not, as in a criminal case, a case proved to the hilt.

It must be made clear in following the above principles, one or the other, as may be applicable in a particular case, the Tribunal does not sit as a Court of appeal, weighing or reappreciating the evidence for itself but only examines the finding of the Enquiry Officer on the evidence in the domestic enquiry as it is in order to find out either whether there is a prima facie case or if the findings are perverse.

Secondly, in the same case, i.e., where there is no failure of the principles of natural justice in the course of domestic enquiry, if the Tribunal finds that dismissal of an employee is by way of victimisation or unfair labour practice, it will then have complete jurisdiction to interfere with the order of dismissal passed in the domestic enquiry. In that event the fact that there is no violation of the principles of natural justice in the course of the domestic enquiry will absolutely lose its importance or efficacy.”

15. The enquiry contemplated by clause (b) of Sub-section (2) of Section 33 of the Act, with respect to the validity and legality of the domestic enquiry, is of very limited nature. The Tribunal can disregard the findings entered by the Enquiry Officer only if they are perverse. A finding can be said to be perverse in case not supported by legal evidence. If the finding is not perverse one and if there is a prima facie evidence to support the finding, the

Authority under Section 33 of the Act cannot refuse to grant approval to the order passed by the management. Reference can be made to K.N. Mohanan [1993(II) L.L.J. 514]. The Apex Court in catena of precedents, in parallel to reference cases under Section 10 of the Act has ruled that even under Section 33, where employer had held no enquiry or the domestic enquiry held by him is found to be vitiated by the Tribunal, the right of the employer to justify action of discharge or dismissal taken by him against the delinquent workman by adducing relevant evidence, of or the first time before the Authority is well recognized. Reference can be made to the precedents in Bharat Sugar Mills Ltd. [1961 (II) LLJ 644], Ritz Theatre (Pvt.) Ltd. [1962 (II) LLJ 498], P.H. Kalyani [1963 (I) LLJ 679], Motipur Sugar Factory (Pvt.) Ltd. [1965 (II) LLJ 162], Jitendra Chandrakar [1971 (I) LLJ 543], Ganesh Dutt [1972 (I) LLJ 172], Firestone Tyre & Rubber Company of India (Pvt.) Ltd. [1973 (I) LLJ 278], Bhagubhai Balubhai Patel (supra), Britannia Biscuit Company Ltd. [1977 (I) LLJ 197] and K.M. Dev (1985 Lab. I.C. 254). Likewise right of the workman to lead evidence contra has been recognized. In such cases the entire matter is open before the Authority, which will have jurisdiction not only to go into the limited question of validity of the enquiry and the bonafides of the employer but also to satisfy itself, on facts before it, whether the action was justified. In other words, in such situation jurisdiction of the Authority is not confined to prima facie examination of the employer's action and the Authority can come to his own conclusion on consideration of evidence adduced before it. Reference can be made to the precedent in Motipur. Sugar Factory Pvt. Ltd. (supra), Firestone Tyre and Rubber Company of India Ltd. (supra) and Radio and Electricals Manufacturing Company Ltd. [1978 (II) LLJ 131].

16. As detailed above, jurisdiction of this Tribunal under Section 33 of the Act has been made parallel to its jurisdiction under Section 10 of the Act. What the Tribunal is required to adjudicate on this approval application, that very course is available to the parties when dispute referred above would be articulated. Two remedies are open to the workman viz. he may lodge a complaint under Section 33-A or seek prosecution of the Airlines under Section 31(1) or may seek a reference under Section 10 and have its adjudication when he claims contravention of the provisions of Section 33 of the Act. Since approval application was moved the only recourse adopted by the charge sheeted employees was under Section 10 of the Act and a dispute was referred by the appropriate Government to this Tribunal for adjudication. In case these applications are disposed of, pending adjudication of the reference, doctrine of prejudice cannot rob the Airlines of its right to prove misconduct of the charge sheeted employee and adjudication of the dispute referred by the appropriate Government. Pendency of these approval applications will only multiply the litigation.

17. The rights of defences, which are available to the Airlines in these approval applications, can be claimed by it in the adjudication of the reference. Therefore, it is thought expedient to disposal of these approval applications with a command that disposal of the approval applications by this award will be subject to the outcome of the dispute, referred by the appropriate Government to this Tribunal. Consequently, approval applications are disposed of with a command that the award passed herein would be subject to the findings that would be recorded on adjudication of the dispute referred by the appropriate Government. An award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dated : 7-1-2011 Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 3 मार्च, 2011

का. आ. 980.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एयरफ्लोट रसियन एयरलाइन्स के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अग्र न्यायालय दिल्ली नं. 1 के पंचाट (संदर्भ संख्या 12/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2011 को प्राप्त हुआ था।

[सं. एल-11012/04/2008-आई आर (सी-1)]
डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 3rd March, 2011

S.O. 980.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2010) of the Central Government Industrial Tribunal-cum-Labour Court-1, Delhi, now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Aeroflot Russian Airlines and their workman, which was received by the Central Government on 3-3-2011.

[No. L-11012/4/2008-IR (C-I)]
D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. No. 12/2010

M/s. Aeroflot Russian Airlines,
Ground Floor, 15-17, Tolstoy House,
Tolstoy Marg,
New Delhi-110001

... Applicant/Management

Versus

Shri Suresh Kumar,
S/o. Harichander,
R/o. 1443, Saini Mohalla,
Nazafgarh,
New Delhi-110043

... Respondent/Workman

AWARD

Ground handling services were undertaken by Aeroflot Russian International Airlines, (hereinafter referred to as the Airlines) at I.G.I. Airport, New Delhi. The Airlines has employed a handful of employees for that purpose. Vide circular dated 28th of September, 2007 Director General Civil Aviation, took a decision to enlist agencies which can undertake ground handling services on various aerodromes. In anticipation of that decision, a press release was made by the Press Information Bureau, Government of India, New Delhi on 1st of February, 2007, informing that approval has been granted by Ministry of Civil Aviation regarding ground handling policy at Metropolitan Airports, including I.G.I. Airport, New Delhi. It was detailed in the Press Release that ground handling services at Metropolitan Airports would be carried out by respective Airport Operators itself by its joint venture and the Airlines, involved in ground handling will not be permitted to undertake self handling w.e.f. 1st of January, 2009. On the date of the press release, the Airlines was doing self handling at I.G.I. Airport, New Delhi. The Press Release made employees of the Airlines panicky about their future. They started approaching other agencies for employment and informed the Airlines that they would take employment elsewhere. 22 employees including operators of the Airlines tendered their resignation in August, 2007. Since ramp ground handling service require high level of cooperation and team work in a fixed time frame hence ramp ground handling services cannot be engaged in peace-meal and on account of resignation of its employees the Airlines took a decision to request Combata Civil Aviation Pvt. Ltd., to provide complete ramp ground handling service to them.

2. Aeroflot Employees Union (hereinafter referred to as the Union) raised an industrial dispute against the Airlines through demand letter dated 2nd of May 2005. Since the Airlines failed to consider their demands, the Union was left with no option but to initiate conciliation proceedings by way of filing a claim statement before the Conciliation Officer. When conciliation proceedings failed, a failure report was submitted by the Conciliation Officer to the appropriate Government. On consideration of that failure report, the appropriate Government had referred a dispute to this Tribunal for adjudication, vide order No. L-11012/II/2006-IR(CM-I), New Delhi dated 1st of June, 2006 wherein issues relating to demand of proper pay scales and other facilities under well defined service conditions applicable to the employees of the Airlines, doing ground handling jobs, were sent for adjudication.

3. During the pendency of the said dispute for adjudication, Rishi Pal, Suresh Kumar, Sunil Kumar Rathi and Jagpal were served with charge sheet, wherein allegations were levelled that on 28-3-07, it was reported by them to a news channel that there was a great security threat at I.G.I. Airport, New Delhi due to actions of the Airlines, besides allegations that the aforesaid employees, who were working from last 12 years, claimed that they were not aware for whom they were working despite the fact that they were employees of the Airlines. Replies, submitted by the aforesaid employees to the charge sheets referred above, were found to be not satisfactory. The Airlines took a decision to hold a domestic enquiry in the charges levelled against the aforesaid employees and appointed an Enquiry Officer vide order dated 4-5-07. The Enquiry Officer conducted an enquiry ex-parte, when charge sheeted employees opted not to participate in the enquiry. He submitted his report dated 1-8-07 to the Airlines. Show cause notice dated 4-8-07 against the proposed punishment of dismissal from service was served on charge sheeted employees. Explanation offered by the charge sheeted employees were found to be not satisfactory. Charge sheeted employees were dismissed from service vide order dated 14-8-07. The Airlines preferred approval applications, as contemplated by clause (b) of sub-section (2) of Section 33 of the Industrial Disputes Act, 1947 (in short the Act) and paid an amount of Rs. 7500 each to them, being equal to one month's salary, by money orders dated 14-8-2007, in lieu of one month's notice. A prayer was made to this Tribunal to accord approval to the action of Airlines in dismissing the services of the charge sheeted employees.

4. In reply to the approval applications it was projected that Shri Suresh Kumar was the President, Rishi Pal was General Secretary, Jagpal was Secretary and Sunil Kumar Rathi was ordinary member of the union. The Union sought status of protected workman for them, by moving appropriate applications as well as seeking declaration from A.L.C. in that regard. It was agitated that when Airlines failed to respond to their applications within 15 days time frame, it was assumed that the aforesaid employees were granted status of protected workman. A claim was made that the Airlines cannot terminate services of protected workman, save with express permission in writing of the Tribunal before whom dispute, relating to proper pay scales and other facilities under well defined service conditions, was pending adjudication. The Union projected that the approval applications, moved by the Airlines are irrelevant, since an industrial dispute pends adjudication. A claim was made that the approval applications may be dismissed.

5. When report of the Enquiry Officer was under consideration, the Union moved an application before this Tribunal on 16-7-2007, seeking directions to restrain the Airlines from changing service conditions of members of

the Union, besides seeking status of protected employees in terms of sub-section (4) of Section 33 of the Act read with rule 61 of the Industrial Disputes (Central) Rules, 1957 (in short the Rules). The said application was disposed of by this Tribunal vide order dated 13-8-2007, commanding the Airlines to comply the provisions of Section 33 of the Act, in case it opts to discharge or dismiss the charge sheeted employees.

6. The Airlines dismissed the employees referred above, which issue was raised by them before Conciliation Officer by way of filing a claim statement. Conciliation proceedings resulted into a failure. Conciliation Officer submitted his report to the appropriate Government, as contemplated by sub-section (4) of Section 12 of the Act. On consideration of the said failure report, the appropriate Government referred the dispute to this Tribunal, vide order No. L-11012/4/2008-IR(CM-I), New Delhi, dated 14th of August, 2008 with following terms :

"Whether the action of the management of Russian International Airlines, New Delhi, in dismissing the services of S/Shri Suresh Kumar, Jagpal, Sunil Kumar Rathi and Rishi Pal is justified and legal ?

2. To what relief are the concerned workmen entitled?"

7. Claim statement was filed, in response to the above reference, by the Union pleading that despite orders passed by this Tribunal, the Airlines terminated services of two office bearers and one ordinary member of the Union, who were protected employees. It went on to detail that the Union sought status of protected workman from the Airlines vide its letter dated 13th of December, 2006, which communication was not responded to. Though there was an obligation on the Airlines to reply the said communication within a period of 15 days, as contemplated by sub-rule (2) of rule 61 of the Rules, yet the Airlines opted to maintain an eerie silence. The Union moved Assistant Labour Commissioner for seeking a declaration of protected workman. Since the aforesaid employees were protected workmen, The Airlines was under an obligation to obtain prior permission of this Tribunal to terminate their services. Since their case was covered by sub-section (3) of Section 33 of the Act, the approval applications moved by the Airlines are irrelevant. The Airlines acted in utter disregard to the order dated 13-8-2007 passed by the Tribunal. It was projected that this Tribunal may not approve the illegal action taken by the Airlines, dismissing the aforesaid employees from their services and to reinstate them in service with continuity, full back wages, and consequential benefits.

8. In reply to the approval applications it was projected that Shri Suresh Kumar was the President, Shri Rishi Pal was General Secretary, Jagpal was Secretary and Sunil Kumar Rathi was the ordinary member of the Union.

The Union sought status of protected workmen for them by moving appropriate applications as well as seeking declaration from Assistant Labour Commissioner in that regard. It was agitated that when the Airlines failed to reply their application within 15 days time frame, it was presumed that the aforesaid employees were granted status of protected workman. The Airlines cannot terminate services of protected workman, save with express permission in writing of the Tribunal, before whom dispute relating to the issue raised by the Union for proper pay scales and other facilities under well defined service conditions was pending adjudication. Approval applications are irrelevant, claims the Union.

9. The Airlines demurred the claim that the employees referred above had committed serious acts of misconduct, hence they were charge sheeted vide charge sheet dated 5th of April, 2007. Explanation submitted by them were found to be unsatisfactory, hence a decision was taken to hold domestic enquiry. Shri Jitesh Pandey, an independent and impartial person, was appointed as Enquiry Officer, vide letter dated 4-5-2007. Shri Pandey conducted the enquiry in accordance with the principles of natural justice and submitted his report dated 1st of August, 2007 to the Airlines. Since charges stood proved against the aforesaid employees, they were served with a show cause notice dated 4-8-2007, alongwith the copy of the enquiry report, calling them to submit their explanations as to why they should not be dismissed from service. Explanation submitted by them were considered and found to be unsatisfactory. The Airlines decided to dismiss their services. Accordingly their services were dismissed vide letter dated 14-8-2007. Since an industrial dispute was pending before this Tribunal, approval applications as contemplated by clause (b) of sub-section (2) of Section 33 of the Act were moved and simultaneously one month's salary was sent to them by money order. It has been disputed that the aforesaid employees were protected workmen. The Airlines claimed that letter dated 13-12-06 and its postal receipts were manipulated documents. No such letter was ever received by Airlines, hence there was no question of its reply. It has been projected that when ramp ground handling services were given to Combata Civil Aviation Pvt. Ltd., the Airlines had to retrench 29 employees on 14th of September, 2007. Since the Airlines is not doing ramp ground handling services, claim of the Union for reinstatement of the services of the aforesaid employees had become infructuous. The Airlines projected that the provisions of clause (b) of sub-section (2) of Section 33 of the Act are applicable to the controversy under reference, hence approval applications were moved. The dismissed employees were never declared as protected employees, hence claim of the Union that provisions of sub-section (3) of section 33 of the Act are attracted, is uncalled for. It has been agitated that the dispute referred by the Government may be dismissed and

action of dismissal of the aforesaid employees may be approved.

10. On approval applications following issues were settled :

- (1) Whether the claimant was protected workman ?
- (2) Whether action of the management in terminating the services of the workman is legal, fair and justified? If yes, whether approval needs to be granted to the management ?
- (3) Relief.

11. Though no issue as to virus of the enquiry proceedings was settled in the approval application, yet the Tribunal thought it expedient to deal that proposition at thresh-hold. Parties called upon to adduce evidence on that proposition. To discharge onus resting on it, Airlines examined Shri Jitesh Pandey, the Enquiry Officer. The Union brought Shri Suresh Kumar in the witness box to rebut facts unfolded by Shri Pandey. No other witness was examined by either of the parties.

12. After hearing Shri M.K. Dwivedi, authorized representative for the Airlines, and Shri M.A. Niazi, authorized representative of the Union and on appreciation of evidence produced by the parties, issue relating to virus of the enquiry was adjudicated vide order dated 12-11-2010 and it was concluded that the enquiry conducted by the Airlines was neither just nor fair nor proper. It was commanded that order dated 14-8-07, on the strength of which charge sheeted employees were dismissed, cannot be given a favourable node.

13. When question relating to virus of enquiry proceedings has been answered against the management and an industrial dispute for adjudication of justifiability and legality of dismissal of the aforesaid employees pends articulation, a proposition arises as to whether approval applications have lost its efficacy. Hence parties were heard Shri M.A. Niazi, authorised representative, raised his submissions on behalf of the Union. Shri M.K. Dwivedi authorised representative, presented his point of view on behalf of the Airlines. I have given my careful consideration to the arguments advanced at the bar and perused the record. My findings on issues involved in the controversy are as follows.

14. In Bhagubhai Balubhai Patel (1976 Lab. I.C. 4) the Apex Court rules that the jurisdiction under Section 33 of the Act is confined only to see whether a prima facie case has been made out and the Authority "does not sit as a court of appeal, weighing or appreciating the evidence for itself but only examines the findings of the Enquiry Officer on the evidence in domestic enquiry as it is, in order to find out either whether there is a prima facie case or if the findings are perverse" for arriving at the finding that the charge has been proved, but struck to the

adjudication scrutiny of the domestic enquiry and the bona fides of the employer. Accordingly, it is open to the Authority under section 33 of the Act to review the findings of fact arrived at in the domestic enquiry, the question of adequacy or sufficiency of the evidence, however, were not considered relevant in this limited jurisdiction, by the Apex Court in *Lord Krishna Textiles Mills* [1961 (1) L.L.J. 211]. The Apex Court detailed the scope of two fold approach to the problem by an Authority under section 33 of the Act in granting or refusing permission in *Bhagubhai Balubhai Patel* (supra) in the following words :

"Firstly in a case where there is no defect in procedure in the course of a domestic enquiry into the charges for misconduct against an employee, the Tribunal can interfere with an order of dismissal on one or other of the following conditions :

- (1) If there is no legal evidence at all recorded in the domestic enquiry against the concerned employee with reference to the charge or if no reasonable person can arrive at a conclusion of guilt on the charge levelled against the employee on the evidence recorded against him in the domestic enquiry. This is what is known as perverse finding.
- (2) Even if there is some legal evidence in the domestic enquiry but there is no *prima facie* case of guilt made out against the person charged for the offence even on the basis that the evidence so recorded is reliable. Such a case may overlap to some extent with the second part of the condition No. 1 above. A *prima facie* case is not, as in a criminal case, a case proved to the hilt.

It must be made clear in following the above principles, one or the other, as may be applicable in a particular case, the Tribunal does not sit as a court of appeal, weighing or reappreciating the evidence for itself but only examines the finding of the Enquiry Officer on the evidence in the domestic enquiry as it is in order to find out either whether there is a *prima facie* case or if the findings are perverse.

Secondly, in the same case, i.e., where there is no failure of the principles of natural justice in the course of domestic enquiry, if the Tribunal finds that dismissal of an employee is by way of victimisation or unfair labour practice, it will then have complete jurisdiction to interfere with the order of dismissal passed in the domestic enquiry. In that event the fact that there is no violation of the principles of natural justice in the course of the domestic enquiry will absolutely lose its importance or efficacy."

15. The enquiry contemplated by clause (b) of sub-section (2) of section 33 of the Act, with respect to the validity and legality of the domestic enquiry, is of very limited nature. The Tribunal can disregard the findings entered by the Enquiry Officer only if they are perverse. A finding can be said to be perverse in case not supported by legal evidence. If the finding is not perverse one and if there is a *prima facie* evidence to support the finding, the Authority under section 33 of the Act cannot refuse to grant approval to the order passed by the management. Reference can be made to *K.N. Mohanan* [1993(II) L.L.J. 514]. The Apex Court in catena of precedents, in parallel to reference cases under section 10 of the Act has ruled that even under section 33, where employer had held an enquiry or the domestic enquiry held by him is found to be vitiated by the Tribunal, the right of the employer to justify action of discharge or dismissal taken by him against the delinquent workman by adducing relevant evidence, for the first time before the Authority is well recognized. Reference can be made to the precedents in *Bharat Sugar Mills Ltd.* [1961 (II) LLJ 644], *Ritz Theatre (Pvt.) Ltd.* [1962 (II) LLJ 498], *P.H. Kalyani* [1963 (I) LLJ 679], *Motipur Sugar Factory (Pvt.) Ltd.* [1965 (II) LLJ 162], *Jitendra Chandrakar* [1971 (I) LLJ 543], *Ganesh Dutt* [1972 (I) LLJ 172], *Firestone Tyre & Rubber Company of India (Pvt.) Ltd.* [1973 (I) LLJ 278], *Bhagubhai Balubhai Patel* (supra), *Britania Biscuit Company Ltd.* [1977 (I) LLJ 197] and *K.M. Dev* (1985 Lab. I.C. 254). Likewise right of the workman to lead evidence *contra* has been recognized. In such cases the entire matter is open before the Authority, which will have jurisdiction not only to go into the limited question of validity of the enquiry and the bona fides of the employer but also to satisfy itself, on facts before it, whether the action was justified. In other words, in such situation jurisdiction of the Authority is not confined to *prima facie* examination of the employer's action and the Authority can come to his own conclusion on consideration of evidence adduced before it. Reference can be made to the precedent in *Motipur Sugar Factory Pvt. Ltd.* (supra), *Firestone Tyre and Rubber Company of India Ltd.* (supra) and *Radio and Electrical Manufacturing Company Ltd.* [1978 (II) LLJ 131].

16. As detailed above, jurisdiction of this Tribunal under section 33 of the Act has been made parallel to its jurisdiction under section 10 of the Act. What the Tribunal is required to adjudicate on this approval application, that very course is available to the parties when dispute referred above would be articulated. Two remedies are open to the workman viz. he may lodge a complaint under section 33-A or seek prosecution of the Airlines under section 31(1) or may seek a reference under section 10 and have its adjudication when he claims contravention of the provisions of section 33 of the Act. Since approval application was moved the only recourse adopted by the charge sheeted employees was under section 10 of the

Act and a dispute was referred by the appropriate Government to this Tribunal for adjudication. In case these applications are disposed of, pending adjudication of the reference, doctrine of prejudice cannot rob the Airlines of its right to prove misconduct of the charge sheeted employee and adjudication of the dispute referred by the appropriate Government. Pendency of these approval applications will only multiply the litigation.

17. The rights or defences, which are available to the Airlines in these approval applications, can be claimed by it in the adjudication of the reference. Therefore, it is thought expedient to dispose of these approval applications with a command that disposal of the approval applications by this award will be subject to the outcome of the dispute, referred by the appropriate Government to this Tribunal. Consequently, approval applications are disposed of with a command that the award passed herein would be subject to the findings that would be recorded on adjudication of the dispute referred by the appropriate Government. An award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dated: 07-01-2011 Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 3 मार्च, 2011

का. आ. 981.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-2 के पंचाट (संदर्भ संख्या 293/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-2011 को प्राप्त हुआ था।

[सं. एल-20012/117/1999-आई आर (सी-1)]

डॉ. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 3rd March, 2011

S.O. 981.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 293/1999) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C.C.L. and their workman, which was received by the Central Government on 3-3-2011.

[No. L-20012/117/1999-IR(C-1)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 293 of 1999

PARTIES:

Employers in relation to the management of C.C.L.
and their workman

APPEARANCES:

On behalf of the : Mr. D. Mukherjee, Advocate
workman

On behalf of the : Mr. D.K. Verma, Advocate
employers

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 18th January, 2011

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/117/99-IR(C-1), dated, the 4th August, 1999.

SCHEDULE

"Whether the dismissal of Shri Bishun Ram, L.D.C. by the CCL Management from service w.e.f. 9-10-1988 is justified, proper and legal? If not what relief the workman is entitled to?"

2. The case of workman as sponsored by the Union as pleaded in the written Statement is that Sri Bishun Ram had been working as a permanent employee at Sirka Colliery of M/s. Central Coalfield Ltd. since long with unblemished record of service. Though he promptly submitted his reply to the false and baseless allegations contained in the charge sheet dt. 28-10-95 yet the management mala fide dismissed him from his services for his alleged misconducts:

- I. Theft, fraud or dishonesty in connection with the Employer's business or property.
- II. Wilful in subordination or disobedience whether alone or in conjunction with other or any lawful or reasonable order of a superior.
- III. Habitual late attendances and absence without leave or sufficient cause.
- IV. Habitual indiscipline.
- V. Leaving work without permission or sufficient reason.

The Enquiry was not conducted in accordance with the principles of natural justice, for a biased person was appointed as the Enquiry Officer, who conducted the enquiry without completing the cross-examination of one

after another witness. Accordingly, the Enquiry Report unbased on the materials/evidence unreasonably submitted was perverse. The perverse finding amounts to violation of the principles of natural justice. Non-payment of subsistence allowance or even wages at the places of his frequent transfers on the dramatic evasive grounds of his non-joining to the workman during his suspension pending his enquiry until his dismissal is quite illegal, and it vitiates the entire enquiry. The workman was dismissed from his service for the charges which have not been conclusively proved. Though he filed an appeal against the order of the Disciplinary Authority yet in vain. Even the industrial dispute raised before the Assistant Labour Commissioner (Central) Ranchi failed for the adamant attitude of the management. The dismissal of the workman is pleaded unjustified and illegal, so he is entitled to reinstatement with full back wages.

2. Whereas the pleaded case of the management is that workman Bishun Ram, Clerk Grade-II L.D.C. originally posted at Sirka Colliery of Argada Area was assigned the job of processing LTC/LLTC Bills of the employees of Sirka Project but regularly not attending to his duty, he engaged an outsider Md. Samsul for performing his official job on his behalf. On account of his unauthorised absenteeism, he was charge sheeted on 28-10-94 by the Project Officer concerned. On his reply to the charges, it was found unsatisfactory. It resulted in appointment of Shri Bijay Swaroop, Deputy Personnel Manager (EE), CCL, Ranchi as the Enquiry Officer by the competent authority to hold domestic enquiry against the concerned workman in accordance with the principle of natural justice. Thereafter observing the aforesaid principles of natural justice in the enquiry in which the workman along with his co-worker participated. The Enquiry Officer concluded it, and submitted his report that charges levelled against the workman were proved; and accordingly, he was found guilty of the charges. On the consideration of the enquiry proceeding and the enquiry report, the Disciplinary Authority concerned by agreeing with the finding with the Enquiry Officer issued second show cause notice to the workman for his representation. On his representation, the Disciplinary Authority through the application of his mind came to his conclusion that only termination of his service would meet the end of justice. So the order of his dismissal from his service was issued and his dismissal was quite legal and justified. Besides that the management has specifically denied the allegation as made out by the workman in his W.S. The management pleaded that the placement of a workman under suspension and serving of charge sheet are two courses of disciplinary action, but sometimes cover by the same order. Suspension of a workman does not support the master and servant relationship and the payment of subsistence allowance as per certain provision depends upon the fulfilment of certain obligations by the workman under suspension. So

any dispute relating to subsistence allowance in no way vitiates and enquiry proceeding.

FINDING WITH REASONS

3. The perusal of the case record transpires that previously by Order dated 15-12-2005, the Tribunal, ascertained the domestic enquiry was held fair, proper and in accordance with the principle of natural justice in this case. So the case matured for hearing argument on merit.

4. In exercise of the powers conferred upon the Tribunal by Section 11A of the I.D. Act, 1947, I have scrutinised the materials available on the record.

5. In the instant case, as per evidence of solitary witness Bijoy Swaroop as MW-1 who was the Personnel Manager, and held the domestic enquiry as the legally authorised Enquiry Officer (Ext. M-3) into the charges as per the Charge sheet (Ext. M-1). The workman submitted his reply (Ext. M-2). On notice (Ext. M-4) to the workman, the workman appeared and defended his case through his co-worker Soab Khan. In course of the enquiry, the Enquiry Officer recorded the statement of the witnesses of both the parties including that of the concerned workman as Ext. M-5. The Enquiry Proceeding papers in the pen and signature of the aforesaid Enquiry Officer (MW-1) are Ext. M-6, series, and the signatures of the workman on the proceeding papers are Ext. M-7 series, and accordingly the signatures of Soab Khan the Co-worker as Ext. M-8 series. After completion of the enquiry, he submitted his enquiry report (Ext. M-9) holding the concerned workman guilty of the charges and the copy of the enquiry report was sent to the workman as per the letter marked as Ext. M-10. It is also established that second show cause notice along with copy of the enquiry report was also sent to him and the workman also submitted his reply as Ext. M-11. Thereafter the disciplinary Authority dismissed the workman from his services as per the letter marked as Ext. M-12, although aforesaid documents were marked exhibits without any objection.

6. The evidence of MW-1 Bijoy Swaroop, the aforesaid Enquiry Officer in the later part of his cross-examination establishes that the concerned workman had submitted his application (Ext. M-14) to him that he was not allowed to join on transfer and the management also refused to pay him his suspension allowance (subsistence allowance), and also that the workman had produced photocopy of medical certificate as (Ext. M-15) issued by the Private Doctor showing his treatment from 17-7-95 to 29-7-95, although the sanction and the payment of his sick leave for the disputed period were beyond his knowledge. The Enquiry Report (Ext. M-9 in 14 sheets) which is based on the statement of the management witnesses namely MW-1 Shri I.N. Jha, Manager Vigilance, CCL Ranchi, MW-2 Shri A.K. Sinha, Sr. P.O. and MW-3

Shri B.P. Singh, P.M., Sirka, and that of workman Bishun Ram, the proceeded as DW-1 (M-5) as recorded during the enquiry proceeding. Out of three charges as levelled against the workman Bishun Ram, Charge No. I-related to not carrying out by the workman his official job of processing L.T.C./L.L.T.C. Bills of the workers of Sinka Project rather he engaged Md. Samsul an outsider in processing the bill on his behalf and charge No. 2 concerning his absentism from his duty on 29-7-95 and 24-8-95 alleging to have been proved against the workman. The Enquiry Officer held the workman guilty of first charge on the basis of the statement of Shri I.N. Jha that on his surprise check (as per surprise check report Ext. M-13/1) in Sirka Project at about 11.00 A.M. on 24-8-95 in presence of aforesaid B.P. Singh, P.M., he found the workman Bishun Ram absent, but he suddenly appeared at about 2 P.M., and gave his own written statement (ME-2) admitting that he used to get L.T.C./L.L.T.C. bills prepared by one Md. Samsul. This fact also stands corroborated by Shri B.P. Singh, P.M., MW-3 and also by the workman Bishun Ram (W-1) in his own statement (Ext. M-5), in which he has admitted that due to work load he used to take his home the bill concerned and he himself did the job of bill, but at time, he got the bills afresh by his household members. But his such statement of the workman appears to be a little bit different from his show cause reply (Ext. M-2) only to the extent of the preparation of the bills by Md. Samsul only. Besides that B.P. Singh (MW-3) has corroborated the fact that the workman had voluntarily written his statement (ME-II) before aforesaid Shri I.N. Jha that he used to get the bills concerned prepared by Samsul. The workman in his reply (Ext. M-2) also had admitted to have taken the help from Md. Samsul whenever heavy accumulation occurred, and it was to the knowledge of the officials, as that the poor educational background, he was not in a position to discharge the job of writing in good manner... On that proof the aforesaid first charge concerning the preparation of the official bills by another person instead of the workman in his official capacity stands proved.

7. So far as the charge No. II is concerned it relates to habitual unauthorised absentism of the workman concerned from his duty on 29-7-95 and on 24-8-95 as found on the surprise check. As per the surprise check reports dated 29-7-95 and 24-8-95 (Exts. M-13 and M-13/1) respectively as stated in the enquiry report (Ext. M-9), the workman Bishun Ram was found absent from his duty on the aforesaid dates when the surprise check held by Shri I.N. Jha, Dy. C.V.M., CCL Ranchi in presence of Shri A.K. Sinha, Sr. P.O. and one Shri B.P. Singh, P.M. at Sirka respectively and the attendance register (ME-1) had no mark of presence for the aforesaid first date being blank, it was confirmed by Shri A.K. Sinha that no leave application of the concerned workman was made available to him. Shri B.P. Singh also confirmed that incourse of the

surprise check on 24-8-95 at about 11.00 A.M., the workman was not present, but he appeared there at 2 P.M. and the workman stated to have gone to Area Accounts Office which is contrary to his admitted fact as stated in his W.S. that 'after knowing the arrival of Shri I.N. Jha from Ranchi, he (workman) had come from his house and rushed to the office to see him. It is also evident from the cross-examination of the workman during the enquiry proceeding that he was absent from duty on 24-8-1995. So the second charge of absentism was proved. The finding of the Enquiry Officer Shri Bijoy Swaroop (I) MW-1 appears to be reasoned and justified.

8. First contention of Shri D. Mukherjee, Ld. Counsel for the workman with reference to authority 1983 Lab. I.C. page 1909 SC (CB) (D) M/s. Glaxo Laboratories (I) Ltd. versus Presiding Officer, Labour Court, Meerut and others concerning Section 13A of the I.E. (S.O.) Act, 1946 (20 of 1946) as held therein that 'Misconduct neither defined nor enumerated and it may be believed by the employer to be misconduct ex-post-facto would not expose the workman to a penalty (para-23). In that prospective, Ld. Counsel for the Workman submits that in the instant case no charges has been proved against the workman and as such the dismissal on any ground other than the charges mentioned in the charge sheet is illegal. Whereas Mr. D.K. Verma, Ld. Advocate for the management responded that the charges I and II as mentioned in the charge sheet (Ext. M-1) falling under specific S.O. as well defined and enumerated in the Industrial Employment (SO) Central Rules, 1946, have been very specifically established against the workman in course of enquiry proceeding by the Enquiry Officer Bijoy Swaroop who has been examined as MW-1 before the Tribunal. In the instance case, I find that charge No. I wilful insubordination or disobedience and charge No. II Inhabitual absentism without leave or without sufficient cause rather are well defined under aforesaid S.O. 17(i) (c) and (d) respectively, though apparently the charge sheet mentions "S.O. 18(i)(c) and S.O. (i)(d) in place of aforesaid S.O. 17(i)(c) and S.O. (i)(d) respectively. But misenumeration of the aforesaid relevant S.O. in the face of specific charges defined there in cannot obliterate or obscure the departmental proceeding which has already been held fair and proper by this Tribunal. Thus I accordingly, hold the argument of the Ld. Counsel for the workman cuts no ice with me."

9. Secondly, the plea of the Ld. Counsel for the workman with the citation of 1999 L.L.R. 499 SC (DB), Capt. M. Paul Authority Anthony-versus-Bharat Gold Mines Ltd. and Others is, as held therein under B, that 'Non-payment of subsistence allowance to a suspended employee is an inhuman act which he likened to slow-poisoning. The provision for payment of subsistence allowance made in the Service Rules only ensures non-violation of right to life of the employees,' as also held that 'since in the instant case the appellant was not

provided any subsistence allowance during the period of suspension ... on account of his penury occasioned by non-payment of subsistence allowance, he could not undertake a journey to attend the disciplinary proceeding, the findings recorded by the Enquiry Officer at such proceeding, which were held *ex parte* stand vitiated (para-32). In the present case under adjudication, I find the workman concerned has fully participated in the domestic enquiry, but the deprivation of the workman from his subsistence allowance during his suspension is admittedly a glaring example of inhuman dealing with him in course of domestic enquiry and his suspension period. It is apparent from the charge-sheet (Ext. M-1) and the application (Ext. M-14) made by the applicant that he was not allowed to join on transfer and also the management refused to pay his suspension allowance as admitted by MW-I Bijoy Swaroop, the Personnel Manager as the Enquiry Officer asserted in his deposition. The Industrial Employment (SO) Central Rules, 1946 applicable to the present case, under its order 17 with the heading Disciplinary Action for Misconduct—(i) mandatorily postulates as such—

“A workman may be suspended by the employer pending investigation or departmental enquiry and shall be paid subsistence allowance in accordance with the provisions of Section 10(a) of the Act Industrial Employment Standing Orders Act, 1946.”

Under Section 10A of the said Act, the employer has not complied with the mandatory provision of law relating to the payment of his subsistence allowance to the workman. Thus the argument by the Ld. Counsel for the workman appears to be plausible in the eye of law. On the consideration of the materials available on the case record, I find that the charge Nos. I and II relating to insubordination and absentism for two specified dates have been proved against the workman in the domestic enquiry which was held fair and proper. In that aspect, Shri D.K. Verma, Ld. Counsel for the management relying upon the authorities : (2008) 1 SCC (L&S) 890 (DB), *West Bokaro Colliery, (Tisco Ltd.)-versus-Ram Pravesh Singh* as held therein, submits that where two views are possible, Industrial Tribunal should be very slow in interfering the findings arrived in the domestic enquiry, the standard of proof in the domestic enquiry is preponderance of probabilities and not proof beyond reasonable doubt; it was improper for the Tribunal to interfere with the findings of the domestic enquiry on the ground that there was no independent evidence apart from management witnesses ... however general provision of law accepted is that Labour Court can award lesser punishment in a given case (paras 18 and 21). But in the present case there are no two views on the evidence brought before the Tribunal as held earlier. Further it has been submitted on behalf of

the Ld. Counsel for the management with reference to the Authority 2005 SCC (L&S) 407 (DB) as held therein, that ‘in case of misappropriation of fund by delinquent employee, the punishment may be awarded on the consideration of two factors—loss of confidence as the primary factor and not the amount of money misappropriated; when an employee is found guilty of misappropriation of a corporation’s fund, there is nothing wrong in the corporation losing confidence or faith in such an employee and awarding punishment of dismissal; in such cases there is no place for generosity or misplaced sympathy on the part of the judicial forums and there interfering with the quantum of punishment (paras 12 and 13)’. But unfortunately, the present case relates to the fact of absentism of the workman for two specified dates and also to insubordination concerning the preparation of L.T.C./L.L.T.C. Bill by one Md. Samsul instead of the workman. It is different from the factum of the aforesaid authorities, moreover, the case has no double views on the evidence and the materials available on the case record.

10. In view of the preceding discussed facts and laws, it is pertinent to mention that I find the punishment of dismissal to the concerned workman for his aforesaid insubordination and absentism for two dates appears to be too harsh and disappropriate to the nature of his aforesaid two guilts. Section 11A of the I.D. Act, 1947 empowers this Tribunal with the discretionary power to set aside the order of dismissal to its satisfaction, based on the materials only. In the instant case under this circumstance, I find and hold in view of the aforesaid proved two charges, namely, insubordination and two days absentism, the workman ought to have been awarded with lesser punishment, not with his dismissal from his permanent service. Hence, the dismissal of the workman from his service is set aside and the management is directed to reinstate the workman Bishun Ram, L.D.C. in his service with full back wages with stoppage of one increment for his aforesaid minor misconduct from the date of his dismissal.

11. In the result, it is held that the dismissal of Shri Bishun Ram, L.D.C. by the CCI management from his service with effect from 9-10-1998 is unjustified, improper and illegal. But in view of his suffering, he deserves compensation of his suffering during his suspension to the tune of Rs. 10,000/- (Rupees Ten thousand). He is entitled to reinstatement of his service with back wages in full minus one increment with effect from the aforesaid date. The management is directed to implement the award within three months from the date of its publication in the Gazette of India.

KISHORI RAM, Presiding Officer

नई दिल्ली, 4 मार्च, 2011

का. आ. 982.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन एयरलाइन्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, मुम्बई के पंचाट (संदर्भ संख्या 35/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2011 को प्राप्त हुआ था।

[सं. एल-11012/32/2004-आई आर(सी-1)]

डॉ. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th March, 2011

S.O. 982.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 35/2005) of the Central Government Industrial Tribunal-cum-Labour Court -2, Mumbai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indian Airlines Ltd., and their workman, which was received by the Central Government on 4-3-2011.

[No. L-11012/32/2004-IR(C-1)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT:**

K. B. KATAKE, Presiding Officer

Reference No. CGIT-2/35 of 2005

Employers in relation to the management of:

M/s. Indian Airlines Limited,
(Now: NACIL),
New Engineering Complex,
Sahar, Andheri (East),
Mumbai-400 099.

AND

Their Workman
Mr. B. M. Gohil,
C/o. Maljibhai P. Gohil,
Dadabhai Building No. 3,
Shiv Parvati Building No. 3,
Behind Room No. 1,
N. M. Joshi Marg,
Mumbai-400 013

APPEARANCES:For the Employer : Shri Abhay Kulkarni,
AdvocateFor the Workman : Shri M. B. Anchan,
Advocate

Mumbai, the 31st January, 2011

AWARD

1. The Government of India, Ministry of Labour and Employment by its Order No. L-11012/32/2004-I.R.(C-1), dated 17-12-2004 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s. Indian Airlines Ltd., Mumbai in dismissing Shri B. M. Gohil, Operator from service with immediate effect vide order dated 19-4-2002 is just, fair and legal? If not, to what relief is the concerned workman entitled?”

2. Both the parties were served with notices. In response to the notice the Second Party appeared through his Representative and filed its statement of claim at Ex. 11. According to the Second Party workman the Indian Airlines management had framed the charges against him on 31-12-1999 alleging misconduct of unauthorized absence from duty for 206 days in 1997, 184 days in 1998 and 204 days in 1999. However, the said charge sheet was not served on the workman. He also did not receive the letters dated 21-7-2000 and 9-11-2000. The acknowledge receipts do not bear his signature. Enquiry notice was also not served on him. Since he was sick he could not attend the office, the said acknowledgement receipt also does not bear his signature. He received enquiry notice dated 19-12-2000. He could not attend the enquiry proceeding as he was sick. He made application requesting to postpone the enquiry as he was sick. However, the enquiry proceeded “exparte” against him. The Enquiry Officer held him guilty. He did not receive the order of dismissal dated 19-4-2002. He received only cheque of Rs. 11,734. According to him the enquiry is not legal and proper and order of dismissal is also not legal. Therefore, he approached the Assistant Labour Commissioner (Central). The matter could not be settled in conciliation proceeding before the Asstt. Labour Commissioner and they sent the matter to Labour Ministry for reference. The workman thus prays that the enquiry and order of termination be held illegal and he be reinstated in the service with full back wages.

3. The management of National Aviation Company Ltd., resisted the claim and filed their W.S. at Ex. 12. They denied all the allegations made against them in the statement of claim. According to them the workman was absent for a total period of 654 days from Feb. 1997 to Oct. 1999. Sufficient opportunity was given to the workman to participate in the enquiry, however, he deliberately remained absent, the enquiry proceeded "ex parte" in his absence and he was terminated from the service. One month's pay was sent to the workman along with the order of termination of his service. Therefore, they pray that the Reference be rejected.

4. My Ld. Predecessor has framed Issues at Ex. 16. The matter was adjourned for recording evidence and for affidavit of witness of workman. However, the workman was found absent, therefore, at the request of his Representative notice was issued to the workman, notice returned with endorsement "not claimed". The Ld. Advocate of workman has withdrawn his Vakalatnama. The workman is absent and has not led any evidence in support of his pleadings in the statement of claim. In this case, the entire burden is on the workman to show that the enquiry was unfair and illegal and the acknowledgement receipt bears signature of somebody else. The burden is also on the workman to show that there was violation of principle of natural justice. The workman was supposed to discharge the burden. However, he remained absent and failed to lead his evidence. Thus, reference deserves to be dismissed. Hence I pass the following order :

ORDER

The claim is dismissed for default.

Date : 31-1-2011 K. B. KATAKE, Presiding Officer

नई दिल्ली, 11 मार्च, 2011

का. आ. 983.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एन. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 42/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2011 को प्राप्त हुआ था।

[नं. एल-22012/96/1988-डी-4 (बी)]

डॉ. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 11th March, 2011

S.O. 983.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 42/2003)

of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 11-3-2011.

[No. L-22012/96/1988-D-4(B)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/42/2003

Date : 28-2-2011

Party No. 1 : The Sub Area Manager,
Chanda Rayatwari Colliery of Western
Coalfield Limited,
Chandrapur-442 402.

Versus

Party No. 2 : The General Secretary,
Lal Zanda Coal Mines Mazdoor Union
(CITU), Police Lane, Tukum Ward, PO
and Dist. Chandrapur-442 402.

AWARD

(Dated : 28th February, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute between the employers, in relation to the management of Mahakali Colliery of Western Coalfield Limited and their workman, Shri Mahadev M. Madavi for adjudication to the Central Government Industrial Tribunal, Jabalpur, as per letter No. L-22012(96)/88-D-4(B) dated 22-2-1989, with the following schedule :

"Whether the action of the Sub-Area Manager, Rayatwari Sub-Area of M/s. Western Coalfields Ltd. in not considering the date of birth as 30-4-1940 as per details submitted by Sri Mahadev Mangru Madavi, Driver, is justified? If not, to what relief the workman concerned is entitled?"

Subsequently, the reference was transferred to this Tribunal for disposal in accordance with law.

2. Being noticed, the workman, Shri M. M. Madavi ("the Party No. 2" in short) filed the statement of claim through his union and the management of Western Coalfields Limited ("the Party No. 1" in short) filed its written statement.

3. The claim of the Party No. 2 is that he was appointed as a Lorry Driver in October, 1974, after facing the interview and as the workman was illiterate, he could not able to produce any document regarding his date of birth, so, the Party No. 1 recorded his date of birth as 30-4-1929 in English in the records of the management and when he received the notice dated 10-6-1986, he came to know about the mistake in recording his date of birth, so, he made a representation in writing on 21-6-1986 in writing to correct his date of birth from 30-4-1929 to 30-4-1940 and he also swore an affidavit on 4-7-1986, before the Executive Magistrate, Chandrapur regarding his date of birth and submitted the same to the Colliery authorities and he also appeared before the Civil Surgeon, Chandrapur, as per the oral direction of the Sub-Area Manager for his medical examination and after his medical examination, his age was determined as 46 years, but as the management did not correct his date of birth, so the union took of the matter with the Party No. 1 and on 10-5-1987, in Form No. 7, his signature was taken in presence of two witnesses and the Sub Area Manager, in which a cross mark was given against the date of birth recorded as 30-4-1929 and the actual date of birth, 30-4-1940 was noted, but the management did not accept the same and his signature were taken by the management in some blank forms and also on the declaration form which was in English on 27-10-1977 and as his real date of birth is 30-4-1940, it is necessary to direct the management to correct his date of birth as 30-4-1940, from 30-4-1929.

4. The management resisted the claim of the workman by filing its written statement pleading inter-alia that the workman was working as a Driver in Mahakali Colliery from 1-10-1974 and at the time of interview, the workman gave declaration of his having 25 years of experience as on 17-8-1974 and as such, by no stretch of imagination, it can be said that the date of birth of the workman is 30-4-1940, as claimed by him and every employee, who is appointed in a Coal Mines is required to give the details about his date of birth and other particulars, which are entered in the register of the employment, known as "Form-B" register and at the time of the employment of the workman, entries in the "Form-B" register were made as per the informations supplied by him and as per the said informations, the date of birth of the workman was recorded as 30-4-1929 and the said register was signed by the workman and after the amendment of the Coal Mines Rules and Regulation, separate "Form-B" registers were prepared sometime in the year 1975-76 and in that "Form-B" register also, the date of the birth of the workman has been shown as 30-4-1929 and the workman has also signed on the same, in token of its correctness and apart from the same, the workman also gave a declaration in Form No. A to become a member of Coal Mines Provident Fund Scheme on 27-4-1977 in which also, the workman had mentioned his date of birth as 4th April, 1929 and in the service book of

the workman, his date of birth has been recorded as 30-4-1929 and the workman has also signed on the same and the management had also on record the photocopy of the entry containing in the birth register of the Police Station, Chanda, showing the date of birth of the workman as 30-4-1929 and the union claimed the date of birth of the workman to be 30-4-1940 on the basis of the affidavit submitted by him and the certificate alleged to have been issued by the Civil Surgeon and as far as the affidavit is concerned, no reliance can be placed on the same and on perusal of the alleged certificate, it can be found that the same has not been issued on the basis of any scientific or medical test required for assessment of the age, but was simply based on the statement given by the workman himself and as such, the certificate also cannot be relied upon and as there were large number of disputes regarding correction of date of birth, the matter was discussed with all the unions in the national level by the JBCCI and after prolonged discussion, it was decided to issue a notification showing the date of birth of the workmen as contained in the records of the management and to invite objections, for the consideration of the same, by the management by appointment of age determination committee and accordingly, the case of the workman was also considered by the age determination committee and by order dated 2-5-1987, the workman was informed that the committee did not find any reason to change his date of birth and as such, there is no justification for claiming change of the date of birth of the workman and when the workman was given appointment, he submitted his joining report with a certificate dated 28-9-1974, in which his age had been shown as 46 years and at the time of interview, the workman himself had filled the declaration form, which indicates his date of birth as 30-4-1929 and in the said declaration form, the workman had also mentioned of his having 25 years of experience in driving and from the above facts, it is clear that the claim of the workman that his date of birth should be corrected as 30-4-1940, is nothing but after-thought and is not based on any authentic document, whereas all the documents available with it, show his date of birth as 30-4-1929 and the same documents are being maintained since long period of time and as such, the workman is not entitled for any relief.

6. In the hearing of the case, both the parties adduced oral evidence, as well as documentary evidence. Perused the evidence. The documents on which reliance has been placed by the workman are unilateral documents. Those documents are of no help to come to a finding that the date of birth of the workman is 30-4-1940. On the other hand, the management has produced the documents maintained by it in respect of the workman from the date of his joining. The documents clearly show that the workman himself admitted his date of birth as 30-4-1929. Hence, it is found that the claim of the workman that though his date of birth is 30-4-1940, the party No. 1 wrongly recorded the same as 30-4-1929 has no force. The workman has failed to prove

that his date of birth is 30-4-1940 and therefore it is necessary to correct his date of birth in the records of the Party No. 1 from 30-4-1929 to 30-4-1940. Hence, it is ordered :

ORDER

The action of the Sub Area Manager, Rayatwari Sub Area of M/s. Western Coalfields Ltd. in not considering the date of birth as 30-4-1940 as per details submitted by Sri Mahadev Mangru Madavi, Driver is justified. The workman is not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 11 मार्च, 2011

का. आ. 984.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 35/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2011 को प्राप्त हुआ था।

[सं. एल-22012/149/2002-आई आर (सी एम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 11th March, 2011

S.O. 984.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 35/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central workshop Tadali of WCL, and their workman, which was received by the Central Government on 11-3-2011.

[No. L-22012/149/2002-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/35/2004

Date : 3-3-2011

Party No. 1 : The General Manager,
Central Workshop Tadali, Western
Coalfields Limited, Post-Tadali,
Chandrapur

Versus

Party No. 2 : Shri P. B. Waghamare,
President.
Lal Zanda Coal Mines Mazdoor Union
(CITU), Branch Central Workshop Tadali.
Post - Tadali,
Chandrapur

AWARD

(Dated : 3rd March, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) the Central Government had referred the industrial dispute between the employers, in relation to the management of Central Workshop Tadali of WCL and their workman, Shri Trilesh Mallaiya Gumpalwar for adjudication as per letter No. L-22012/149/2002-IR (CM-II) dated 23-2-2004, with the following schedule :

“Whether the action of the management of M/s. Western Coalfields Limited in relation to its Central Workshop, Post Tadali, Dist. Chandrapur represented by The Chief General Manager is justified in denying regularization of the workman Shri Trilesh Mallaiya Gumpalwar in the post of Clerk Grade-III with retrospective effect i.e. 1-7-1999 in the pay scale of Rs. 1826-60-2666 as it stood on that date (subsequently revised to Rs. 3545-87-5111 effective from 1-7-1999 as per NCWA-VI) with all consequential monetary and other benefits ? If not, to what relief the workman is entitled ?”

2. Being noticed, the workman, Shri Trilesh Mallaiya Gumpalwar (“the workman” in short) filed his statement of claim through his union and the management of Western Coalfields Limited (“the Party No. 1” in short) filed its written statement.

In the statement of claim, it is pleaded by the workman that he is in service of Party No. 1 since 10-8-1996 and while he was in service at Area workshop, Ghugus, the Chief General Manager, Wani Area, Urja Gram Tadali published one circular vide No. VE. KO. LI/167/98 dt. 23-4-97 inviting applications from the workers, who had passed Matric/SCC examination for undergoing clerical training, with the condition that the worker should have passed SSC examination and should have completed more than one year of service in his category and it was also mentioned in the said circular that after the training, the worker would be posted against the store cadre clerk grade-III and according to the said advertisement, he filed his application and the additional General Manager, Wani Area, Ghugus transferred him vide Office Order No. WCL/WA/Additional GM(OP)/Ghugus/Per 809 dt. 29-9-1997 from Ghugus to Central Store, Tadali and accordingly he joined

at Tadali and took charge of the Store Clerk, Central Store, Tadali on 28-9-97 and as per the Office Order dt. 25-3-98, he was posted to Central Store, Tadali to undergo training of clerk for a period of one year w.e.f. 25-3-98 and in the said office order, it was mentioned that on completion of training of one year, he would be considered for regularization as Clerk Grade-III in Store cadre, in case he would be found suitable for the same, otherwise, he would be reverted back and after the period of training and after verification of his past record including confidential report, the departmental promotion committee selected him for the post of Clerk Grade-III, in the pay scale of Rs. 1826-60-2666 w.e.f. 1-7-99 and posted him at Central Store, Tadali and since 1-7-99, he is in service in that post and performing his job but he had not been given the pay scale of Clerical Grade-III from 1-7-99 upto his regularisation vide order dt. 1-9-2003 and the party No. 1 paid the pay of General Mazdoor Category-I to him till 31-8-2003 and therefore, he sustained loss of Rs. 24,500 for the period from 1-7-99 to 31-8-2003 and as he has already completed more than 8 years of service, according to the cadre scheme, his pay should have been fixed in higher scale in every three years and according to the said norms, he is eligible for enhancement of his pay of Assistant Store Keeper Grade-II in the scale of pay of Rs. 3698-110-4578-130-5878, as per NCWA-VI but the Party No. 1 has not given him the Grade-II pay scale, though he is eligible for the same w.e.f. 1-7-2002 and thus, he has sustained loss of Rs. 17,500 and therefore, he is entitled for regularization w.e.f. 1-7-1999 in Clerical Grade-III and to get all consequential monetary and other benefits.

3. The Party No. 1 in its written statement has admitted about the appointment of the workman and issuance of the circular and transfer of the workman to Central Store, Tadali w.e.f. 28-9-97, but it has pleaded that the workman was not transferred as Store Clerk, but he was transferred purely on administrative ground in the same capacity, category and same pay scale and the workman was selected to undergo the training of one year and was also selected for the post of Clerk Grade-III w.e.f. 1-7-99, but while issuing the letter of posting the workman as a Clerk, all his credentials were not considered by the departmental promotional committee and as the appointment letter of the workman as Clerk was in violation of the procedure of appointment of Clerk, immediately, the management issued the order to keep the said appointment in abeyance and the order of keeping the appointment in abeyance was never challenged by the workman and it is not true to state that the workman was not paid the difference of wages since 1-7-99 to 31-8-2003 and it is regularly paying the dues to the workman from the date of his regularisation i.e. 31-8-2003 and the management has also given notional fixation to the workman w.e.f. 1-1-2000 and all the financial benefits from the date of regularisation i.e. 31-8-2003 and having given the notional fixation to the workman w.e.f. 1-1-2000, he has also been promoted vide

order dt. 8-10-2006 to the post of Asstt. Store Keeper Grade-II and as such, the workman is not entitled for any relief.

4. It is necessary to mention here that after filing of statement of claim, the workman did not appear in the case. The Party No. 1 after filing of the written statement did not appear in the case and as such, the case was closed on 14-2-2011 for award.

5. Perused the office order No. 809 dt 28/29-9-1997 issued by the Additional General Manager (OP), Wani Area, Ghugus and found that the workman was transferred in the same capacity, category and scale of pay to Central Store, Tadali and not as a Store Clerk, as claimed by the workman in his statement of claim. It is also found from the documents that the workman was regularized as Clerk Grade-III w.e.f. 1-7-1999 as per the recommendation of the Departmental Promotion Committee along with two others. Though the Party No. 1 has claimed that the order of regularization of the workman w.e.f. 1-7-1999 was kept in abeyance, as the appointment letter of the workman as Clerk was in violation of the procedure of the appointment as Clerk, the management has failed to produce any document or evidence in support of such claim. As it is found from the documents filed by the workman that he was regularized as Clerk Grade-III in the pay scale of Rs. 1826-60-2666 w.e.f. 1-7-1999, he is entitled to get his salary w.e.f. 1-7-99 in the pay scale of Rs. 1826-60-2666 as stood on that day and subsequently revised to Rs. 3545-87-5111 and all other consequential monetary and other reliefs. Hence, it is ordered :

ORDER

The action of the management of M/s Western Coalfields Limited in relation to its Central Workshop, Post Tadali, Dist. Chandrapur represented by the Chief General Manager in denying regularization of the workman Shri Trilesh Mallaiya Gumpalwar in the post of Clerk Grade-III with retrospective effect i.e. 1-7-1999 in the pay scale of Rs. 1826-60-2666 as it stood on that date (subsequently revised to Rs. 3545-87-5111 effective from 1-7-1999 as per NCWA-VI) with all consequential monetary and other benefits is not proper. The workman, Shri Trilesh Mallaiya Gumpalwar, is entitled for regularization as Clerk Grade-III w.e.f. 1-7-1999 in the pay scale of Rs. 3545-87-5111 as per the NCWA-VI with all consequential monetary and other benefits. The management of the WCL is directed to regularize his service as Clerk Grade-III w.e.f. 1-7-1999 and to pay him all the monetary benefits and consequential benefits, within one month from the date of publication of notification.

नई दिल्ली, 11 मार्च, 2011

क्रा. आ. 985.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेसिक सीड मल्टीप्लिकेशन एण्ड ट्रेनिंग सेन्टर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 30/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2011 को प्राप्त हुआ था।

[सं. एल-42012/16/2003-आई आर (सी एम-11)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 11th March, 2011

S.O. 985.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur. Now as shown in the Annexure in the industrial dispute between the management of Basic Seed Multiplication and Training Centre, and their workmen, which was received by the Central Government on 11-3-2011.

[No. L-42012/16/2003-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/30/2004

Date : 28-2-2011

Party No. 1 : The Asstt. Director,
Basic Seed Multiplication and Training,
Centre, Basic Tasar Silkworm Seed
Organisation, Central Silk Board,
Dawripur, Distt. Bhandara,
Bhandara-441 904

Versus

Party No. 2 : Shri Sahadeo Ramaji Maske,
R/o. Shrinagar, Tahasil &
Distt. Bhandara,
Bhandara-441 904

AWARD

(Dated : 28th February, 2011)

In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of

Industrial Disputes Act, 1947 (14 of 1947), the Central Government had referred the industrial dispute between the employers, in relation to the management of Basic Seed Multiplication and Training Centre and their workman, Shri Sahadeo R. Maske for adjudication, as per letter No. L-42012/16/2003-IR (CM-II) dated 25-02-2004, with the following schedule :

“Whether the action of the management of Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed Organisation, Central Silk Board, at Sawripur, Bhandara-441904 (M.S.) in terminating the services of Shri Sahadeo Ramaji Maske, Casual Labour w.e.f. 28-2-1992 is legal and justified ? If not, to what relief the workman concerned is entitled ?”

2. Being noticed, the workman, Shri Sahadeo R. Maske, (“the workman” in short) filed his statement of claim and the management of Basic Seed Multiplication and Training Centre (“the Party No. 1” in short) filed its written statement.

In the statement of claim, it is pleaded by the workman that he is a workman within the definition of Section 2(s) of the Industrial Disputes Act, 1947 (“the Act”) and he came to be appointed with the Party No. 1 in the year 1984, as a Mazdoor and he was being paid Rs. 14 per day towards his wages and from the date of his initial appointment in the year 1984, he was continuously working with the Party No. 1 without any break in his service, with clean and excellent service record and the Party No. 1 is being engaged in the business of preparation of cocoon and more than 100 employees are being employed by the Party No. 1 for the same and on 17-2-1992, he was served with a memo, wherein, various false charges were levelled against him and he submitted his reply to the said memo, denying the charges leveled against him and he was in continuous employment of the Party No. 1 for more than eight (8) years and completed more than 240 days of continuous service in each calendar year and thereby he had acquired the status of a permanent employee and it was obligatory on the part of the Party No. 1 to regularise him in service, by taking into consideration his unblemished and loyal services, but, the Party No. 1, instead of regularizing his services, issued him the memo dated 17-2-1992, with mala fide intention, as he was demanding his regularization and to increase his wages and the Party No. 1 on 28-2-1992, served the order of termination of his services with immediate effect and the termination of his service was without complying the mandatory provisions of law, contemplated under Sections 25-F and 25-G of the Act and no notice or any notice pay in lieu of the notice or retrenchment compensation was given to him and the Party No. 1 also did not display any notice as required under Section 25-G of the Act and illegally terminated his services, which is illegal, arbitrary

and violative of the principles of natural justice and the Party No. 1 also did not obtain prior permission from the Appropriate Government under Section 25(o) of the Act, for termination of his service. The further case of the workman is that as he was served with a memo containing various charges and he denied the charges, it was obligatory on the part of Party No. 1 to conduct a full-fledged enquiry before termination of his service, but no enquiry was conducted by the Party No. 1 and therefore, the termination of his service w.e.f. 28-2-1992 is in colourable exercise of powers, without complying the due procedure of law and therefore, the order of termination is liable to be set aside. It is also pleaded by the workman that being aggrieved by the action of the Party No. 1, he had approached the Labour Court at Bhandara, challenging the action of termination of his service and the Labour Court had directed to reinstate him in service, as per the order dated 16-10-1993, in complaint Case No. ULPA 9/92 and when he went to join his duty, he was informed by the Party No. 1 about their preferring a revision application before the Industrial Court, Nagpur, challenging the order of Labour Court, Bhandara and the Industrial Court set aside the order dated 16-10-1993 and the Labour Court, Bhandara, on 2-9-2002, rejected his application for want of jurisdiction, with a direction to approach the appropriate forum for redressal of his grievances within 90 days and therefore, he approached the Asstt. Labour Commissioner (Central), Nagpur and raised the Industrial Dispute and as the conciliation proceeding before the ALC ended in failure, the matter was referred to the Central Government.

3. The Party No. 1 in the written statement has pleaded inter alia that the workman had been working in its establishment since the year 1984, but his status was that of casual labourer and he was required to work on as and when necessary, therefore, he had not acquired the status of permanent worker. The Party No. 1 has denied that it is being engaged in the business of preparation of cocoon but has pleaded that its activity is to impart training of production of cocoon and allied activities and therefore, it cannot be said that it is doing any business, as alleged by the workman and a memo containing true charges were issued against the workman on 17-2-1992 and the charges levelled against the workman are absolutely correct and there is no concoction or any elaboration to give colour to the charges and the misconducts committed by the workman was very serious in nature and the same were committed during his duty hours. It is also pleaded by the Party No. 1 that the workman had not worked continuously and he was working on as and when basis and he had not completed 240 days of continuous service and such facts were known to him and as such, he did not raise any dispute or demand to regularize his services and whenever the workman reported for duty, he used to create scene and very instrumental to cover other workmen living

their assigned jobs and duties, but to provide employment to the local people, with all these ordeals to employer. he was provided with the work and on 28-2-1992, the services of the workman were terminated with immediate effect, on the ground of very serious misconduct, for which, the workman had tendered apology but continued to indulge in the same activity further and as the workman had not acquired the status of permanent workman, there was no question of complying the provisions of Sections 25-F and 25-G of the Act, as the said provisions are not applicable. The further case of the party No. 1 is that daily wagers are appointed by it, whenever the works are available, after taking orders from the Appropriate Authority and those persons, who had already worked with it, are being appointed, as they had already gained the experience in its activity and as work was not available, two labourers, namely, Naneshwar Sidam and Ashok Kachelan were discontinued w.e.f. 22-1-1992, but those workers again reported for duty on 23-1-1992, so, other workmen including the present workman allowed those two workers to work on 23-1-1992 and when the Assistant Director, Mr. Raju Durai objected the engagement of those two workers, the present workman and B. R. Kalnayake started shouting at the Assistant Director by using filthy language and also being armed with sickle ran towards the Assistant Director to assault him and when the officer was about to be assaulted, other employees intervened and dragged away the workman and the other employees, who had witnessed the occurrence endorsed about the same in writing and subsequently, the present workman and Shri Kalnayake approached the Assistant Director on 24-1-1992 and admitted their guilt and tendered their apology; but on 3-3-1992, the workman approached the Director and lodged a false complain against the Assistant Director, but the workman and Shri Kalnayake were placed under suspension, by order dated 22-2-1992 and enquiry was conducted against them and in the enquiry, as it was found that the workman and Shri Kalnayake had already admitted their guilt, they were terminated from service by it and the presence of the workman in the establishment was not only harmful but equally injurious to the persons working there and as there was admission of the guilt and begging of apology by workman, there was no necessity to conduct the enquiry and as such, the workman is not entitled for any relief.

4. In this case, the workman has examined himself as a witness, his evidence has been given on affidavit. In his evidence, the workman has reiterated the facts mentioned in the statement of claim and also in the rejoinder. The evidence of the workman has not at all been challenged. It is necessary to mention here that the Party No. 1 did not appear in this case on 10-5-2002 and thereafter and as such, no cross order was passed and the argument was heard ex-parte.

5. It is admitted by the Party No. 1 that the workman was working since 1984 and his service was terminated on 28-2-1992. It is also admitted that no enquiry was conducted in respect of the memo filed against the workman. The party No. 1 has taken contradictory stands in its written statement regarding holding of departmental enquiry. At one place, it has stated that enquiry was conducted and as in the enquiry, it was found that the workman had admitted his guilt, his service was terminated. At another place, the Party No. 1 has pleaded that as the workman admitted his guilt and he was a casual labourer, there was no need for conducting any enquiry. Though, the Party No. 1 has pleaded that the workman was working as and when required, there is nothing on record to support the same. The Party No. 1 has not adduced any evidence in support of its claim of the misconduct committed by the workman. In view of the unchallenged testimony of the workman on affidavit and in absence of any rebuttal evidence, it is held that the workman was working continuously as a Mazdoor from the year 1984 till the date of his termination i.e. 28-2-1992 and the termination of the workman amount to retrenchment. It is also found that the provisions of Section 25-F of the Act are applicable in this case and the said mandatory provisions were not complied with by the Party No. 1 at the time of the termination of the services of the workman. So, the termination of the service of the workman is held to be illegal.

6. Now, the point for consideration is regarding the reliefs, for which the workman is entitled to. Admittedly the workman has not mentioned either in the statement of claim or in the affidavit filed by him that he was engaged against any particular post or sanctioned post. Rather, he has mentioned that he was appointed as a Mazdoor on daily wages and he was being paid Rs. 14 as his daily wages. The workman has also neither pleaded nor adduced any evidence that he was not gainfully employed after the date of termination of his services. In his context, I think it apposite to refer to a recent decision of the Hon'ble Apex Court as reported in 2010,(8) SCALE at pg. 583 (Incharge Officer and Another Vs. Shankar Shetty).

The Hon'ble Apex Court have held that :

“Labour Laws—Industrial Disputes Act, 1947—Section 25F—Daily wage—Termination of service in violation of Section 25F—Award of monetary compensation in lieu of reinstatement—Respondent was initially engaged as daily wage by appellants in 1978—His engagement continued for about 17 years intermittently upto 6-9-1985—Respondent raised industrial dispute relating to his retrenchment alleging violation of procedure prescribed in Section 25-F of the Act—Labour Court rejected respondent's claim holding that Section 25-F of the Act was not attracted since the workman

failed to prove that he had worked continuously for 240 days in the calendar year preceding his termination on 6-9-1985—On appeal High Court directed reinstatement of respondent into service holding that termination of respondent was illegal. Whether the order of reinstatement will automatically follow in a case where engagement of a daily wage has been brought to an end in violation of Section 25-F of the Act—Allowing the appeal, Held :

A. The High Court erred in granting relief of reinstatement to the respondent. The respondent was engaged as daily wage in 1978 and his engagement continued for about seven years intermittently upto September 26, 1985 i.e. about 25 years back. In a case such as the present one, it appears to us that relief of reinstatement cannot be justified and instead of monetary compensation would meet ends of justice. In our considered opinion, the compensation of Rs. 1,00,000 (Rupees one lac) only, in lieu of reinstatement shall be appropriate, just and equitable. We ordered accordingly. Such payment shall be made within 6 weeks from today failing which the same shall carry interest at the rate of 9% per annum.”

Applying the principles enunciated by the Hon'ble Apex Court in the above decision to the present case at hand, it is held that the workman is not entitled for the relief of reinstatement or back wages and monetary compensation would meet the ends of justice. In my considered opinion, the compensation of Rs. 50,000 (Rupees fifty thousand only) shall be appropriate, just and equitable. Hence, it is ordered :

ORDER

The action of the management of Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed Organisation, Central Silk Board at Dawripur, Bhandara-441904 (M.S.) in terminating the services of Shri Sahadeo Ramaji Maske, Casual Labour w.e.f. 28-2-1992 is not legal and justified. The workman is entitled for monetary compensation of Rs. 50,000 (Rupees fifty thousand only). The management of Party No. 1 is directed to pay the said amount, within one month from the date of publication of the award, failing which, the amount shall carry interest at the rate of 9% per annum.

J. P. CHAND, Presiding Officer

नई दिल्ली, 11 मार्च, 2011

का. आ. 986.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार एस. ई. मी.

एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 148/90 और 149/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2011 को प्राप्त हुआ था।

[सं. एल 22012/18/1990-आई आर (सी-II)]

[सं. एल 22012/21/1990-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 11th March, 2011

S.O. 986.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 148/90 and 149/90) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 11-3-2011.

[No. L-22012/18/1990-IR (C-II)]

[No. L-22012/21/1990-IR (C-II)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

PRESENT:

Shri Mohd. Shakir Hasan, Presiding Officer

Case No. CGIT/LC/R/148/90

The Area Vice President,
National Colliery Workers Federation,
Post South Jhagrakhand Colliery,
Distt, Surguja ... Workman

Versus

The General Manager,
Hasdeo Sub Area of SECL,
PO South Jhagrakhand Colliery,
Distt. Surguja ... Management

Case No. CGIT/LC/R/149/90

The Area Vice President,
National Colliery Workers Federation,
Post South Jhagrakhand Colliery,
Distt, Surguja ... Workman

Versus

The General manager,
Hasdeo Sub Area of SECL,
PO South Jhagrakhand Colliery,
Distt. Surguja ... Management

AWARD

(Passed on this 21st day of February, 2011)

1. (a) The Government of India, Ministry of Labour vide its Notification No. L-22012(18)/90-IR (C-II) dated 29-5-1990 has referred the following dispute for adjudication by this Tribunal:

“Whether the action of the management of Ramnagar Sub Area of M/s. SECL in not protecting the pay of their workmen S/Shri Ratiram, Kodai Prasad, Rangilal Singh, Ram Surat Dubey and Ram Niwas Rao on their promotion and Mining Sirdar, Clerk Gr. III and Peon respectively and granting them fitment as per para 50 of Chapter XII of the report of Central Wage Board for Coal Mining Industry is legal and justified? If not, to what relief the workmen are entitled?”

(b) The Government of India, Ministry of Labour vide its Notification No. L-22012(21)/90-IR (Coal-II) dated 29-5-1990 has referred the following dispute for adjudication by this Tribunal:

“Whether the action of the management of Jhimar Sub Area of Hardeo Area of M/s. SECL, PO. South Jhagrakhand colliery in not protecting the pay of Shri Lal Bachan on his promotion as Mining Sirdar and granting fitment as per para 50 of Chapter XII of the report of the Central Wage Board for Coal Mining Industry, is justified? If not, to what relief the workman concerned is entitled?”

2. Both the references are consolidated together vide order dated 10-5-1995 which are arising on a common subject matter.

3. According to the Union/workmen, the workmen were working on the post of Loader-cum-Dresser in Hasdeo Area of SECL. They were promoted to the post of Mining Sardar-cum-Shot Firer. After promotion the wages of the workmen were to be fixed of Mining Sardar-cum-Shot Firer by giving the benefit of the Fundamental Rules 22(C) as the post was promotional post which carries higher duties and responsibilities along with higher pay scale but their pay was not accordingly, fixed by giving them one increment and their basic pay could not have been reduced

under any circumstances. It is stated that they cannot be treated to be promoted on a notional promotion. On these grounds, it is submitted that the management be directed to pay monetary benefits along with arrears.

4. The management appeared and contested the reference by filing Written Statement. The case of the management, inter alia, is that the workman Shri Ram Niwas Rao was initially appointed as Piece rated Trammer and the other workmen were initially appointed as Piece rated Loaders. The management is said to have circulated vacancies of Mining Sardars and invited application from the departmental candidates who had passed Mining Sardarship Certificates. These workmen submitted their applications. After examining their suitability the Departmental Promotion Committee selected Shri Ratiram, Kodai Prasad, Rangilal and Lal Bachan as Mining Sardar and were placed in the initial scale of pay without any protection of group wages of earlier post. The NCWF Union raised industrial dispute for protection of pay in existing grade and thereafter the wages of these above four workmen were protected not onally without any arrears as per clarification received from Dy. CPM (IR), SECL, Bilaspur vide letter No. SECL-BSP-PER-IR-87-Estab-465 dated 25-6-1987. The workmen Shri Ram Surat Dubey and Ram Niwas Rao were regularized as Gr. III Clerk and Peon respectively and were placed in initial scale of pay without any protection of pay of Group wages as these two jobs were of light nature and cannot be compared for pay protection. It is stated that pay protection arises only if the person is promoted in the same cadre whereas in the instant case there was change of cadre. It is stated that the workmen were initially piece rated employees and opted to come in time rated scale of pay. As such they cannot claim protection of wages which they were getting as piece rated employees. Norms of payment in piece rated and time rated are entirely different. Under the circumstances, the management is justified in fixing their pay.

5. On the basis of the pleadings of both the parties the following issues are framed for adjudication :-

- I. Whether the workmen are entitled to protection of pay on promotion as Mining Sardar, Clerk Grade III and Peon respectively ?
- II. Whether the provision of Para 50 of Chapter XII of the report of Central Wage Board of Coal Mining Industry is applicable for fixing their pay on the respective posts of their promotion ?
- III. To what relief, the workmen are entitled ?

6. Issue Nos. I & II :

The pleading and the evidence of the witness Shri G. R. Rathore of the management show that the wages of Shri Ratiram, Kodai Prasad, Rangilal Singh and Lal Bachan, who were made Mining Sardars were protected notionally without any arrears but these workmen claimed that they should be paid monetary benefits as well. The management has not produced the letter No. SECL-BSP-PER-IT-87-Estab-465 dated 25-6-1987 whereby the wages was protected to show that the management was justified for granting protection of wages notionally without payment of arrear. The said letter is concealed and is not produced for the inspection of the court for the reason best known to the management.

7. According to the Union, the workmen were promoted to the post of Mining Sardar, therefore after their promotion, their wages was to be fixed by giving the benefit of the fundamental rules --22(C). The workman Shri Lal Bachan has stated in his evidence that the notional protection of pay had been done by the management while applying the principle of Para-50 Chapter XII of Central Wage Board report (in short CWB report) implemented on 15-8-1967 whereas the management has pleaded that the recommendation of Para 50 of Chapter XII of Central Wage Board for the Coal Industry has no relevancy to the present dispute.

8. Now it is important to see as to whether it was promotion or it was a direct recruitment to the post of Mining Sardar. Admittedly these workmen were departmental candidates who were working in the establishment and during the said period, they acquired the requisite criteria of the post of Mining Sardar. The appointment letter of the workman Shri Ratiram is filed by the management and is marked as Exhibit M/1. The appointment letter clearly shows that he was promoted to the post of Mining Sardar-cum-Shot Firer. Nowhere in the appointment letter, it shows that it was direct recruitment to the post of Mining Sardar. The Management has filed Office order dated 21-12-1982 which is marked as Exhibit M/2. The said order shows that the workman Shri Kodai Prasad was allowed to work as officiating Mining Sardar-cum-Shot Firer vide letter dated 20-9-1979 and when he acquired all requisite criteria of Mining Sardar, he was promoted as Mining Sardar-cum-Shot Firer w.e.f. 1-10-1979. This also shows that he was promoted and was not appointed directly on the post of Mining Sardar. The Union has also filed appointment letter dated 22-6-1978 of Lalbachan which also shows that he was promoted to the post of Mining Sardar-cum-Shot Firer instead of direct appointment on the post.

9. Another point raised by the Union that they were entitled for pay protection with monetary benefits.

Though the Management has protected notionally the wages without arrears. The workman Shri Lalbachan has stated in his evidence that the notional fixation of his pay had been done by the management after applying the principle of Para 50 of Chapter XII of Wage Board Report implemented on 15-8-1967. He has further stated that the above principle was applied after the agreement between the management and the Union representative which was held on 13-9-1974. Para 18 of the said note of discussion is evident to prove the fact that they were entitled for pay protection whereas the management has pleaded that the recommendation of Para-50 of Chapter XII of CWB report has no relevancy with the present dispute.

10. Admittedly the management has not filed the order dated 25-6-1987 whereby these workmen were given notional protection of wages. It is better to reproduce Para 50 of Chapter XII of CWB report and Para 18 of the agreement arrived in the discussion held on 13-9-1974 between the management and representative of the Federation. Para 50 of Chapter XII of the report of CWB runs as follows :

"It is claimed on behalf of the workmen that when an employee of a lower category temporarily works in the place of a higher category workman he should be paid an officiating allowance of 10% of his total wages or the statutory pay of the higher category worker for whom he deputises, whichever is higher. We are of the opinion that the formula should be that where an employee in a lower category works in the place of a workman of higher category, he should be entitled to payment of officiating allowance which shall be the difference between his wage and the minimum of the higher category, if such minimum is "higher" than his existing pay. In case, by this method of adjustment, he gets less than one increment in the officiating scale, he should be given one increment in that scale. In the event of the existing pay of the officiating workman being higher than the minimum of the scale of pay of the higher category in which he works, then his existing pay should be adjusted into the next higher step in the higher category's scale and he should be given one increment in that scale".

Para-18 of the agreement arrived by the management and the Federation runs as follows :

"Fixation of Wages on promotion :

The Federation demanded that at the time of promotion to the higher category also the principle of one increment at the time of adjustment in the scale of higher category should be accepted on the

basis of recommendations of the Wage Board for Acting and Officiating Allowances, vide Para-50, Chapter-12 of the Wage Board Recommendations, Vol. I.

After discussions, the management agreed to accept the demand of the Federation."

Thus, it is clear that the workmen were entitled for wage protection and to grant them only notional wage protection without payment of arrears was not justified. They are entitled for the monetary benefit as well from the date of their promotion.

11. The case of the workmen Ram Surat Dubey and Ram Niwas Rao are on different footings who were made Grade III Clerk and Peon respectively. They are not examined in the case by the Union. It appears from the materials on the record that the workman Ram Surat Dubey was officiating on the post of Clerk Grade III. Thereafter he was regularized on the post. The management has filed an application of the workman Ram Niwas Rao which is marked as Exhibit M/5 to show that Shri Rao was working on the post of Peon and he himself prayed to regularize him on the said post. Thus it is evident that their cases are of regularization on the post in which they were officiating. These two workmen appear to be not entitled to be granted wage protection as their case is on different footings. Considering the discussion made above, I find that the workmen Shri Ratiram, Kodai Prasad, Rangilal and Lal Bachan are also entitled the payment of monetary benefit from the date of protection of wages as Mining Sardar-cum-Shot Firers. Both issues are accordingly decided.

12. Issue No. III :

On the basis of the discussion made above, it is clear that the workmen Shri Ratiram, Kodai Prasad, Rangilal and Lal Bachan are entitled of payment of the difference of wage protection on the post of Mining Sardar from the date of promotion. Accordingly, the management is directed to pay them the difference of wages arising on account of fixation of protection of wages on the post of Mining Sardar from the date of their fixation within two months from the date of notification of the award. Accordingly, both the references are answered.

13. In the result, the award is passed with above direction without any order to costs.

14. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer.

नई दिल्ली, 11 मार्च, 2011

का. आ. 987.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेसिक सीड मल्टीप्लिकेशन एण्ड ट्रेनिंग सेन्टर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 31/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2011 को प्राप्त हुआ था।

[सं. एल-42012/15/2003-आई आर(सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 11th March, 2011

S.O. 987.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Basic Seed Multiplication and Training Centre, and their workman, which was received by the Central Government on 11-3-2011.

[No. L-42012/15/2003-IR(CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT,
NAGPUR.**

Case No. CGIT/NGP/31/2004

Date: 28-2-2011

Party No. 1 : The Assistant Director,
Basic Seed Multiplication and Training
Centre, Basic Tasar Silkworm Seed
Organisation, Central Silk Board,
Dawripur, Distt. Bhandara,
Bhandara-441904

Versus

Party No. 2 : Shri Bakaram Ratiram Kalnayake,
R/o Khapa, Post-Dawripur, Tahsil and
Distt.-Bhandara (Maharashtra),
Bhandara-441904

AWARD

(Dated : 28th February, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947, (14 of 1947), the Central Government had referred the industrial dispute between the employers, in relation to the management of Basic Seed Multiplication and Training Centre and their workman, Shri Bakaram Ratiram Kalnayake for adjudication, as per

letter No. L-42015/12/2003-IR (CM-II) dated 25-2-2004, with the following Schedule :

"Whether the action of the management of Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed Organisation, Central Silk Board, at Dawripur, Bhandara-441904 (M.S.) in terminating the services of Shri Bakaram Ratiram Kalnayake, Casual Labour w.e.f. 28-2-1992 is legal and justified? If not, to what relief the workman concerned is entitled?"

2. Being noticed, the workman, Shri Bakaram Ratiram Kalnayake, ("the workman" in short) filed his statement of claim and the management of Basic Seed Multiplication and Training Centre ("the Party No. 1" in short) filed its written statement.

In the statement of claim, it is pleaded by the workman that he is a workman within the definition of Section 2(s) of the Industrial Disputes Act, 1947 ("the Act" in short) and he came to be appointed with the Party No. 1 in the year 1984, as a Mazdoor and he was being paid Rs. 14 per day towards his wages and from the date of his initial appointment in the year 1984, he was continuously working with the Party No. 1 without any break in his service, with clean and excellent service record and the Party No. 1 is being engaged in the business of preparation of cocoon and more than 100 employees are being employed by the Party No. 1 for the same and on 17-2-92, he was served with a memo, wherein, various false charges were leveled against him and he submitted his reply to the said memo, denying the charges levelled against him and he was in continuous employment of the Party No. 1 for more than eight (8) years and completed more than 240 days of continuous service in each calendar year and thereby he had acquired the status of a permanent employee and it was obligatory on the part of the Party No. 1 to regularise him in service, by taking into consideration his unblemished and loyal services, but, the Party No. 1, instead of regularizing his services, issued him the memo dated 17-2-92, with mala fide intention, as he was demanding his regularization and to increase his wages and the Party No. 1 on 28-2-92, served the order of termination of his services with immediate effect and the termination of his service was without complying the mandatory provisions of law, contemplated under Section 25-F and 25-G of the Act and no notice or any notice pay in lieu of the notice or retrenchment compensation was given to him and the Party No. 1 also did not display any notice as required under Section 25-G of the Act and illegally terminated his services, which is illegal, arbitrary and violative of the principles of natural justice and the Party No. 1 also did not obtain prior permission from the Appropriate Government under Section 25(o) of the Act, for termination of his service. The further case of the workman is that as he was served with a memo containing various charges and he denied the charges, it was obligatory on the part of Party No. 1 to

conduct a full-fledged enquiry before termination of his service, but no enquiry was conducted by the Party No. 1 and therefore, the termination of his service w.e.f. 28-2-92 is in colourful exercise of powers, without complying the due procedure of law and therefore, the order of termination is liable to be set aside. It is also pleaded by the workman that being aggrieved by the action of the Party No. 1, he had approached the Labour Court at Bhandara, challenging the action of termination of his service and the Labour Court had directed to reinstate him in service, as per the order dt. 16-10-93, in complaint Case No. ULPA 9/92 and when he went to join his duty, he was informed by the Party No. 1 about their preferring a revision application before the Industrial Court, Nagpur, challenging the order of Labour Court, Bhandara and the Industrial Court set aside the order dt. 16-10-93 and the Labour Court, Bhandara, on 2-9-2002, rejected his application for want of jurisdiction, with a direction to approach the appropriate forum for redressal of his grievances within 90 days and therefore, he approached the Asstt. Labour Commissioner (Central), Nagpur and raised the Industrial Dispute and as the conciliation proceeding before the ALC ended in failure, the matter was referred to the Central Government.

3. The Party No. 1 in the written statement has pleaded inter-alia that the workman had been working in its establishment since the year 1984, but his status was that of casual labourer and he was required to work on as and when necessary, therefore, he had not acquired the status of permanent worker. The Party No. 1 has denied that it is being engaged in the business of preparation of cocoon but has pleaded that its activity is to impart training of production of cocoon and allied activities and therefore, it cannot be said that it is doing any business, as alleged by the workman and a memo containing true charges were issued against the workman on 17-2-92 and the charges levelled against the workman are absolutely correct and there is no concoction or any elaboration to give colour to the charges and the misconducts committed by the workman was very serious in nature and the same were committed during his duty hours. It is also pleaded by the Party No. 1 that the workman had not worked continuously and he was working on as and when basis and he had not completed 240 days of continuous service and such facts were known to him and as such, he did not raise any dispute or demand to regularize his services and whenever the workman reported for duty, he used to create scene and very instrumental to cover other workman living their assigned jobs and duties, but to provide employment to the local people, with all these ordeals to employer, he was provided with the work and on 28-2-1992, the services of the workman were terminated with immediate effect, on the ground of very serious misconduct for which the workman had tendered apology but continued to indulge in the same activity further and as the workman had not acquired the status of permanent workman, there was no question of complying the provisions of Sections 25-F

and 25-G of the Act, as the said provisions are not applicable. The further case of the Party No. 1 is that daily wagers are appointed by it, whenever the works are available, after taking orders from the Appropriate Authority and those persons, who had already worked with it, are being appointed, as they had already gained the experience in its activity and as work was not available, two labourers, namely, Naneshwar Sidam and Ashok Kachelan were discontinued w.e.f. 22-1-1992, but those workers again reported for duty on 23-1-1992, so, other workmen including the present workman allowed those two workers to work on 23-1-1992 and when the Assistant Director, Mr. Raju Durai objected the engagement of those two workers, the present workman and Sahadeo R. Maske started shouting at the Assistant Director by using filthy language and also being armed with sickle ran towards the Assistant Director to assault him and when the officer was about to be assaulted, other employees intervened and dragged away the workman and the other employees, who had witnessed the occurrence endorsed about the same in writing and subsequently, the present workman and Shri Sahadeo R. Maske approached the Assistant Director on 24-1-1992 and admitted their guilt and tendered their apology, but on 3-3-92, the workman approached the Director and lodged a false complain against the Assistant Director, but the workman and Shri Sahadeo R. Maske were placed under suspension, by order dt. 22-2-1992 and enquiry was conducted against them and in the enquiry, as it was found that the workman and Shri Sahadeo R. Maske had already admitted their guilt, they were terminated from service by it and the presence of the workman in the establishment was not only harmful but equally injurious to the persons working there and as there was admission of the guilt and begging of apology by the workman, there was no necessity to conduct the enquiry and as such, the workman is not entitled for any relief.

4. In this case, the workman has examined himself as a witness, his evidence has been given on affidavit. In his evidence, the workman has reiterated the facts mentioned in the statement of claim and also in the rejoinder. The evidence of the workman has not at all been challenged. It is necessary to mention here that the Party No. 1 did not appear in this case on 10-5-2002 and thereafter and as such, no cross order was passed and the argument was heard ex-parte.

5. It is the admitted by the Party No. 1 that the workman was working since 1984 and his service was terminated on 28-2-1992. It is also admitted that no enquiry was conducted in respect of the memo filed against the workman. The Party No. 1 has taken contradictory stands in its written statement regarding holding of departmental enquiry. At one place, it has stated that enquiry was conducted and as in the enquiry it was found that the workman had admitted his guilt, his service was terminated.

At another place, the Party No. 1 has pleaded that as the workman admitted his guilt and he was a casual labourer, there was no need for conducting any enquiry. Though, the Party No. 1 has pleaded that the workman was working as and when required, there is nothing on record to support the same. The Party No. 1 has not adduced any evidence in support of its claim of the misconduct committed by the workman. In view of the unchallenged testimony of the workman on affidavit and in absence of any rebuttal evidence, it is held that the workman was working continuously as a Mazdoor from the year 1984 till the date of his termination i.e. 28-2-1992 and the termination of the workman amount to retrenchment. It is also found that the provisions of Section 25-F of the Act are applicable in this case and the said mandatory provisions were not complied with by the Party No. 1 at the time of the termination of the services of the workman. So, the termination of the service of the workman is held to be illegal.

6. Now, the point for consideration is regarding the reliefs, for which the workman is entitled to. Admittedly the workman has not mentioned either in the statement of claim or in the affidavit filed by him that he was engaged against any particular post or sanctioned post. Rather, he has mentioned that he was appointed as a Mazdoor on daily wages and he was being paid Rs. 14 as his daily wages. The workman has also neither pleaded nor adduced any evidence that he was not gainfully employed after the date of termination of his services. In his context, I think it apposite to refer to a recent decision of the Hon'ble Apex Court as reported in 2010, (8) SCALE at pg. 583 (Incharge Officer and another Vs. Shankar Shetty).

The Hon'ble Apex Court have held that :

'Labour Laws – Industrial Disputes Act, 1947 – Section 25F – Daily wage – Termination of service in violation of Section 25F – Award of monetary compensation in lieu of reinstatement – Respondent was initially engaged as daily wage by appellants in 1978 – His engagement continued for about 17 years intermittently upto 6-9-1985 – Respondent raised industrial dispute relating to his retrenchment alleging violation of procedure prescribed in Section 25-F of the Act – Labour Court rejected respondent's claim holding that Section 25-F of the Act was not attracted since the workman failed to prove that he had worked continuously for 240 days in the calendar year preceding his termination on 6-9-1985 – On appeal High Court directed reinstatement of respondent into service holding that termination of respondent was illegal – Whether the order of reinstatement will automatically follow in a case where engagement of a daily wage has been brought to an end in violation of Section 25-F of the Act – Allowing the appeal, Held,

A. The High Court erred in granting relief of reinstatement to the respondent. The respondent was engaged as daily wage in 1978 and his engagement continued for about seven years intermittently upto Sept. 06, 1985 i.e. about 25 years back. In a case such as the present one, it appears to us that relief of reinstatement cannot be justified and instead of monetary compensation would meet ends of justice. In our considered opinion, the compensation of Rs. 1,00,000/- (Rupees one lac) in lieu of reinstatement shall be appropriate, just and equitable. We ordered accordingly. Such payment shall be made within a week from today failing which the same shall carry interest at the rate of 9% per annum."

Applying the principles enunciated by the Hon'ble Apex Court in the above decisions to the present case at hand, it is held that the workman is not entitled for the relief of reinstatement or back wages and monetary compensation would meet the ends of justice. In my consider opinion, the compensation of Rs. 50,000 (Rupees fifty thousand only) shall be appropriate, just and equitable. Hence, it is ordered :

ORDER

The action of the management of Basic Seed Multiplication and Training Centre, Basic Tasar Silkworm Seed Organisation, Central Silk Board, at Dawripur, Bhandara-441904 (M. S.) in terminating the services of Shri Bakaram Ratiram Kalnayake, Casual Labour w.e.f. 28-2-1992 is not legal and justified. The workman is entitled for monetary compensation of Rs. 50,000 (Rupees fifty thousand only). The management of Party No. 1 is directed to pay the said amount, within one month from the date of publication of the award, failing which, the amount shall carry interest at the rate of 9% per annum.

J. P. CHAND, Presiding Officer

नई दिल्ली, 11 मार्च, 2011

का. आ. 988.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 44/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2011 को प्राप्त हुआ था।

[सं. एल-12012/45/2006-आई आर(बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 11th March, 2011

S.O. 988.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 44/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 10-3-2011

[No. L-12012/45/2006-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, YESHWANTPUR

Dated : 21st February, 2011

PRESENT :

Shri S. N. Navalgund, Presiding Officer

C. R. No. 44/2006

I Party :

Shri Rangaswamy B. K.,
C/o Jayaprakash B H,
Opp. To Tennis Court,
Urdu Boys School Road,
Kanakapura,
Bangalore Rural District,
Bangalore-562117

II Party :

The General Manager (P),
State Bank of India,
Zonal Office, Region-I,
No. 48, 5th Floor,
Church Street, P. B. No. 5014,
Bangalore-560001

APPEARANCES :

I Party : None

II Party : Shri A. G. Shivananda, Advocate

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/45/2006-IR (B-I) dated 27-10-2006 for adjudication on the following Schedule :

SCHEDULE

"Whether the action of the management of State Bank of India in imposing the punishment of discharge from the services of the bank on Shri B. K. Rangaswamy, Senior Assistant, Kanakapur Branch,

State Bank of India w.e.f. 31-5-2005 is legal and justified? If not, to what relief the workman is entitled and from which date?"

2. On receipt of this reference though as per the direction of the Central Government the I party failed to submit his claim statement notices were issued to him and since the notice issued to him returned unserved with an endorsement that he has left the address, notice was caused for service by way of affixture and inspite of due service by way of affixture he did not enter his appearance and filed his claim statement. The counsel for II party was called upon to file his statement to substantiate the impugned action taken against the I party, the counsel for the II party while filing the affidavit of enquiry officer examining him on oath as MWI got marked :

Sl. No.	Description of Document	Marked as
1.	Copy of Charge Sheet with list of documents served on the I party dated 12-2-2005	Ex. M-1
2.	Letter appointing Sh. S. S. Parvathikar, Manager (IOR) as Enquiry Officer and Smt. Nagashree, Dy. Manager as Presenting Officer	Ex. M-2
3.	Enquiry Report dated 5-3-2005	Ex. M-3
4.	Order of Disciplinary Authority dated 31-5-2005	Ex. M-4
5.	Order of Appellate Authority dated 23-7-2005	Ex. M-5
6.	Letter written by I party to AGM dated 25-6-2005	Ex. M-6

and also addressed his arguments.

3. It is borne out from the evidence brought on record for the II party while I party was working as Senior Assistant at Kanakapura Branch of SBI charges sheet dated 12-2-2005 was served on him with the following charges.

Charges :

"1. (a) You have marked off the entry pertaining to TDR No. 15564 dated 4-4-2003 for Rs. 50,000 due on 4-4-2006, favouring Smt. H. V. Pushpa, appearing on Folio No. 94, of TDR Register No. 5 by noticing "a/c closed" under your authentication.

(b) You have marked off the entry pertaining to TDR No. 15519 dated 6-1-2003 for Rs. 50,000 due on 3-11-05 favouring Shri T. Narayanaswamy, appearing on Folio No. 73 of TDR Register No. 5 by noting "a/c closed" under your authentication.

(c) You have marked off the entry pertaining to TDR No. 15573 dated 17-5-2003 for Rs. 1,00,000 due on

24-4-2008 favouring Shri Sudershanam and Smt. Sheivanaik appearing on Folio No. 102 of TDR Register No. 5 by noting "a/c closed" under your authentication.

Consequently, these above mentioned deposit entries were not carried over to the Banking System on the date of computerisation on 1-6-03. You have made good the amount as under in the presence of Shri S. Krishnamurthy, the then Branch Manager and Shri G. Sukumar, the then Asstt. Manager (Accts.) and confessed having committed the irregularity and submitted a confession letter to the Branch Manager.

- Remitted Rs. 50,000 on 1-1-04 towards issue of a TDR favouring Smt. H. V. Pushpa in respect of (a) above.
- Remitted Rs. 50,000 towards issue of TDR favouring Shri T. Narayanaswamy in respect of (b) above.
- Remitted Rs. 1,00,000 on 17-1-04 towards issue of STDR favouring Shri Sudarshnam and Smt. Sheiva Naik in respect of (c) above.
- Paid the interest for the period from 4-4-03 to 1-1-04 in respect of (a) and for the period from 6-1-03 to 1-1-04 in respect of (b) direct to the depositors in the presence of Shri S. Krishnamurthy and Shri G. Sukumar.
- Paid the interest for the period 17-5-03 to 17-1-04 in respect of (c) to Shri G. Sukumar, Asstt. Manager (Accounts) for depositing into the Bank.

II

- You have made a fictitious credit entry of Rs. 35,000 on 11-1-03 in the ledger A/c No. 12/1328 of Shri N. H. Shivasiddegowda and authenticated the resultant balance.
- You have made a factitious credit entry of Rs. 25,000 on 31-12-02 in the ledger A/c No. 42/5238 of Shri Shivalingegowda and authenticated the resultant balance.
- You have made a fictitious credit entry of Rs. 30,000 on 30-1-03 in the ledger A/c No. 42/5273 of Shri Munisiddaiah and authenticated the resultant balance.

In order to cover up the above fictitious entries you have made the following extraneous

entries in Savings Bank Day Book on 7-2-03 :

(a) Debit entry of Rs. 90,000 against S.B. A/c No. 632 of Shri C. Byrappa without customer's debit confirmation.

AND

(b) Credit entry of Rs. 35,000 against S.B. A/c No. 1328 of Shri N. H. Shivasiddegowda.

(c) Credit entry of Rs. 25,000 against S.B. A/c No. 5238 of Shri Shivalingegowda.

(d) Credit entry of Rs. 30,000 against S.B. A/c No. 5273 of Shri Munisiddaiah.

You have also increased the totals of Transfer Scroll by Rs. 90,000 on both debit and credit sales, without any corresponding entries therein. The Savings Bank Day Book has been checked by you deliberately ignoring the above entries in the Day Book, without corresponding vouchers as well as entries in the respective ledger accounts. You have balanced the ledgers and confirmed it as tallied with the Progressive Balance for January and February 2003 despite the above discrepancies.

In order to cover up the extraneous debit entry of Rs. 90,000 made in the Savings Bank Day Book on 7-2-03, you have remitted Rs. 90,000 on 31-5-03. In Case, entered in the Cash Scroll, S.B. Day Book, against S.B. A/c No. 632 of Shri Byrappa, but did not post in the relative ledger account. You have ignored the discrepancy while checking the Day Book.

III

You have made the following fictitious entries in the S.B. Ledger A/c No. 9/1006 of Smt. Chandra :

Date	Dr./Cr. Entry	Amount (Rs.)
1-1-03	Cr.	29,500.00
8-1-03	Dr.	10,000.00
22-1-03	Dr.	2,000.00

You have authenticated the resultant balance.

On 31-1-03, you have remitted a sum of Rs. 17,500 which has been entered in Cash Receipt Scroll and SB Day Book against S.B. A/c No. 9/1006 but not entered in the relative ledger account. The S.B. Day Book has been checked by you, deliberately ignoring the discrepancy.

IV

On 10-5-03 you have made an extraneous credit entry of Rs. 25,000 in S.B. A/c No. 21/2599 of Kum. Deepa and authenticated the resultant balance.

The above extrenuous credit entry has been covered up by you as under :

On 31-5-03 a cash remittance of Rs. 25,000 made for credit of the above account has not been entered in

the ledger account. The S.B. Day Book has been checked by you on 31-5-03 ignoring the discrepancy between the entries in the S.B. Day Book and the ledger Account.

V

On 27-2-03, you have made a fictitious credit entry of Rs. 40,000 in S.B. A/c No. 39/4960 of Shri Anand and authenticated the resultant balance in the ledger account. You have also entered the amount in the Pass Book of Shri Anand and authenticated the balance therein. Subsequently, you have struck off this entry in the ledger account and incorporated the correct balance. On 31-5-03, cash deposit of Rs. 40,000 was made into the account and entered in the ledger account. However, credit entry dated 31-5-03 has not been incorporated in the relative Pass Book.

VI

On 4-4-03, you have made an extraneous credit entry of Rs. 35,000 in the S.B. Account No. 20/2523 of Shri V. Nagendra and the resultant balance has been authenticated by you.

The above extraneous credit entry has been covered up by a cash remittance of Rs. 35,000 on 23-4-03 which is entered in the Cash Receipt Scroll and S.B. Day Book and has not been posted in the relative ledger account. You have ignored this discrepancy while checking the Day Book."

4. After collecting the reply of the I party being not satisfied with the same the management ordered enquiry dated 28-2-2005 appointing Sh. S. S. Parvathikar, Manager (IOR) as Enquiry Officer and Smt. Nagashree as Presenting Officer. Then the Enquiry Officer fixed the preliminary enquiry on 5-3-2005 and the I party who appeared on that day before the Enquiry Officer when the charges were read over to him, he admitted the charges and even then the Presenting Officer examined Sh. K. Shiva Prakash, Branch Manager, Kanakapura as MW 1 and got marked DEx 1 and first party did not challenge his evidence. Since the I party admitted the charges and submitted that he has no defence evidence and written submission to be filed, the Enquiry Officer having regard to the evidence placed by the management submitted his findings holding first party guilty of the charges. Thereafter the Disciplinary Authority forwarded the copy of the enquiry findings to the I party calling upon his reply and the I party in his reply also admitted the charges and requested for lenient view the Disciplinary Authority having regard to the grave charges of misconduct proved against the I party coming to the conclusion that the appropriate punishment is the discharge passed the impugned order of discharge on 31-5-2005. Then the I party appeal against the order of Disciplinary Authority to the Appellate Authority wherein

also he requested to view leniently and the Appellate Authority having regard to the grave and serious misconduct at misappropriation of a sum of Rs. 1,00,000.00 (Rupees One Lakh only) affirmed the punishment of discharge imposed by the Disciplinary Authority by its order dated 23-7-2005.

5. On going through the proceedings of the enquiry and the evidence placed before the Enquiry Officer absolutely I find no reason to state that the Domestic Enquiry was not fair and proper and in view of the clear admission made by the I party on the charges of misappropriation the findings of the Enquiry Officer for no reason can be said as perverse or wrong and similarly the decision of the Disciplinary Authority and the Appellate Authority also cannot be said to be excessive. Under these circumstances and the I party failed to enter into his appearance to file claim statement and challenge the validity of Domestic Enquiry and the findings of the Enquiry Officer, Disciplinary Authority and Appellate Authority absolutely I find no reason to interfere either in the findings of the Enquiry Officer or the Disciplinary Authority and Appellate Authority in imposing the punishment of discharge. In the result, I arrive at conclusion of rejecting the reference and passing the following order:

ORDER

Reference is rejected holding that the action of the management imposing the punishment of discharge against the I party being legal and justified.

(Dictated to UDC, transcribed by him, corrected and signed by me on 21st February, 2011)

S. N. NAVALGUND, Presiding Officer

Witness examined :

On behalf of Management – Sh. S. S. Parvathikar – MW 1

On behalf of Workman – None

Documents marked :

1. Copy of Charge Sheet with list of documents served on the I party dated 12-2-2005 Ex. M-1
2. Letter appointing Sh. S. S. Parvathikar, Manager (IOR) as Enquiry Officer and Smt. Nagashree, Dy. Manager as Presenting Officer Ex. M-2
3. Enquiry Report dated 5-3-2005 Ex. M-3
4. Order of Disciplinary Authority dated 31-5-2005 Ex. M-4
5. Order of Appellate Authority dated 23-7-2005 Ex. M-5
6. Letter written by I party to AGM dated 25-6-2005 Ex. M-6

नई दिल्ली, 11 मार्च, 2011

क्र. आ. 989.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 03/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2011 को प्राप्त हुआ था।

[सं. एल-12025/1/2010-आई आर(बी-11)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 11th March, 2011

S.O. 989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 03/2008) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 10-03-2011.

[No. L-12025/1/2010-IR(B-11)]

RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Misc. Application No. 03 of 2008

U/s 33A of the I.D. Act, 1947

(Arising out of Reference No. 44 of 2005)

PARTIES:

Kamal Kumar Sahoo, Part-time Sweeper, C/o Punjab National Bank, Mahapal Branch, P.O. Petbindhi, Dist. Paschim Medinipur, West Bengal-721517

... Applicant

Vs.

The Chief Manager, Punjab National Bank,
Circle Office (Former Zonal Office),
Apejay House, 4th Floor,
15, Park Street,
Kolkata-700016

The Circle Head, Punjab National Bank,
Circle Office, Vidyasagar Road, Battala Chowk,
Medinipur-721101

... Opp. Parties.

PRESENT:

Mr. Manik Mohan Sarkar, Presiding Officer

APPEARANCE:

On behalf of the Applicant : Mr. R. Chattopadhyay, Treasurer of the Bank Employees' Federation (W.B.) with Mr. A. Mitra, General Secretary, Punjab National Bank Employees' Federation.

On behalf of the Opp. Party : Mr. Arvind Indwar, Manager HRD of the Bank.

Industry : Banking

Dated: 03-03-2011

AWARD

This matter has been initiated in reference to Reference No. 44 of 2005. The Applicant's case is that he is engaged as the Part-time Sweeper in the Mahapal Branch (District Paschim Medinipur) of Punjab National Bank since 1987. Another post in the subordinate cadre, Peon, was held by Shri Chittaranjan Singha and on his retirement since 1st February, 2002 the said post of Peon fell vacant and the Opp. Party neglected and/or failed to provide a substitute of Shri Chittaranjan Singha in the said post of Peon. The Applicant claimed that he was verbally engaged by the Opp. Party Bank to carry on day-to-day normal business of the branch, as Peon of the Branch over and above his normal duties and responsibilities as part-time Sweeper from 1st February, 2002 which he did continuously and uninterruptedly in addition to his normal duties. The Manager of the Bank failed and neglected to pay normal usual pay and allowances attached to the post of Peon to the Applicant even though he did the job of Peon as an added work. The Opp. Party Bank has regularized the service of one Shri Nitya Ghosal, another similarly circumstanced part-time Sweeper of the Bank employed at Gobindanagar Branch at Purulia to the post of Peon and such filling up the post of Peon by some other person, the Bank tried to subvert the claim of the present workman and it was claimed to be in violation of Section 33(1) read with Section 20(3) of the Industrial Disputes Act, 1947.

2. The Opposite Party Bank, in the written objection submitted that the provision of Section 33 of the Act deals with the condition of service to remain unchanged in certain circumstances during the pendency of proceedings and the Applicant, Shri Sahoo failed to explain as to how the process of recruitment for filling up the vacancy of Peon at the Branch Office at Mahapal has changed his condition of service and infringed his right causing prejudice to him. It is further stated that after retirement of the permanent Peon on 31-01-2002, the recruitment process was initiated and finally the post of Peon was filled up in 2007. It is claimed by the Opp. Party that Shri Sahoo was appointed as a Part-time Sweeper in 1/3rd scale wages and whenever Shri Sahoo voluntarily performed some duties, he was adequately compensated for the same and such additional work done by him does not confer any

right upon him to claim appointment in subordinate cadre de hors and rules. The Opp. Party Bank claimed that any condition of service as applicable to the Applicant, Shri Sahoo has not been changed or altered and the pending proceeding in the main Reference No. 44 of 2005 has got no relevance to the recruitment process undertaken by the Bank under the rules.

3. In the rejoinder nothing new has been stated by the Applicant, rather has expressed that the Applicant reiterate all the averments made in the main application.

4. This is an application under Section 33A of the Industrial Disputes Act, 1947 where the Applicant has alleged that there was a change of service condition by the act of the management Opp. Party as they filled up the vacant post of Peon during the pendency of the Reference No. 44 of 2005 where the present Applicant, who is a Part-time Sweeper, claimed his regularization to the said post of Peon. In this context, a reference may be made to the provision of Section 33(1) of the Act where it has been provided that during the pendency of any proceeding before any Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall in regard to any matter connected with the dispute, alter, to the prejudice of the workman concerned in such dispute, the condition of service applicable to them immediately before commencement of such proceeding.

5. As alleged, filling up of the post of Peon in regular vacancy of the Bank was to be done by going through the prescribed procedure for such filling up. The Applicant here was actually working as a Part-time Sweeper in the concerned Branch of the Bank and as the previous Peon, namely, Chittaranjan Singha retired on Superannuation, the Bank authority asked him to do some job of Peon-cum-Daftary against some remuneration on verbal request in addition to his usual duties of part-time Sweeper which was his substantive posting. This Applicant further alleged that he claimed his regularization to the post of Peon as it was lying vacant at that point of time and since his claim or request was not entertained by the Opp. Party Bank by way of regularization, on his initiation conciliation proceeding before the conciliation officer and thereafter a reference through the Ministry of Labour, Government of India came to this Tribunal and that reference is pending. The Applicant claimed that his claim of regularization is still alive in the pending reference and during such pendency, the Opp. Party Bank filled up the post of Peon ignoring the claim of the present Applicant and this act of the Opp. Party Bank, has been claimed by the Applicant as being a change of service condition which is barred by the provision of Section 33(1) of the Industrial Disputes Act, 1947.

6. In appreciation of the submission and presentation on behalf of the Applicant concerned, I am of the view that the Applicant's substantive posting is as

part-time Sweeper and not as the Peon as a part-time job or otherwise keeping the Peon's post vacant. The Applicant himself has admitted that since after the retirement by the erstwhile Peon, namely, Shri Chittaranjan Singha, he was verbally requested by the Bank authority to do some job of the Peon-cum-Daftary for a temporary period over and above his usual job of part-time Sweeper. So, the job of Peon by the Applicant, has no legal status for claiming that any change in the situation of vacancy to the post of Peon, creates right in the Applicant to raise his voice alleging a change in service condition.

7. Whether the Applicant is entitled to get regularization or not that is not a point for discussion and decision here since it is a matter relating to the reference referred above, which is pending before this Tribunal in a different capacity. So, the entitlement of regularization is not in the zone of consideration in the present matter. It is simply to find if any change has been done in respect of the vacancy of the post of Peon, that does not give any right to the present Applicant to raise his voice alleging a change of service condition in respect of the post of Part-time Sweeper.

8. In view of the discussions made in the earlier paragraphs, I am of the view that the present application has got no basis and the present Applicant also has no locus standi in raising the issue of change in the service condition on filling up the vacancy of Peon in the Bank by the Opp. Party Bank.

9. In result, the present application under Section 33A of the Industrial Disputes Act, 1947 fails and it is rejected.

An Award is passed accordingly.

MANIK MOHAN SARKAR, Presiding Officer

Dated : Kolkata,
the 3rd March, 2011.

नई दिल्ली, 14 मार्च, 2011

का. आ. 990.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर-पूर्व रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 40/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2011 को प्राप्त हुआ था।

[सं. एल-41012/08/2007-आई आर(बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 14th March, 2011

S.O. 990.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 40/2007) of the Central Government Industrial Tribunal-cum-

Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of North Eastern Railway and their workman, which was received by the Central Government on 10-03-2011.

[No. L-41012/8/2007-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Dr. Manju Nigam, Presiding Officer

I.D. No. 40/2007

Ref. No. L-41012/8/2007-IR(B-I) dated 31-08-2007

Between

Sh. Nand Lal S/o Shri Banshraj Yadav,
C/o Sh. Parvez Alam,
Resident of 283/63, Garhi Kanora,
Premwati Nagar,
P.O. Manaknagar,
Lucknow (U.P.)

And

1. The Dy. Chief Engineer (C)
North Eastern Railway, DRM Office,
Ashok Marg, Lucknow
2. The Sr. Divisional Engineer (RA)(East)
North Eastern Railway,
Gorakhpur

AWARD

1. By order No. L-41012/8/2007-IR (B-I) dated : 31-08-2007 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Sh. Nand Lal S/o Shri Banshraj Yadav, C/o Sh. Parvez Alam, Resident of 283/63, Garhi Kanora, Premwati Nagar, P.O. Manaknagar, Lucknow and the Dy. Chief Engineer (C), North Eastern Railway, DRM Office, Ashok Marg, Lucknow & the Sr. Divisional Engineer (RA) (East), North Eastern Railway, Gorakhpur for adjudication.

2. The reference under adjudication is :

*Kya purvottar, Railway Prabandhan Dwara
Shri Nand Lal Suputra Shri Vansh Raj Yadav,
Shthanapann Shramik Ko Audhogik Vivaad Ke
Praavdhano Ka Paalan Key Bina Dinank 15-12-79
Ko Naukari Se Nikaal Diya Jana Vaidh Va Nyayochit

Hai ? Yadi Nahi, To Kaamgaar Kis Rahai Ku
Adhikaari Hai ?"

3. The case of the workman, Nand Lal, in brief is that he worked as substitute worker w.e.f. 18-07-78 to 15-12-79 for 505 days and his services has been terminated on 16-12-79 without any notice or retrenchment compensation, in violation of the provisions of the section 25F of the I.D. Act. He has alleged that management retained other workmen who were junior to him in violation to the provisions of Section 25G & H of the Act as well as it regularized other junior workmen after empanelling them in the panel of year 2001-2002, but the workman has not been regularized till date. He has further submitted that he is entitled for reinstatement and regularization as per provisions contained in Railway Establishment Code 2501, 2505, 2301 & 2302 and Railway Board's P.S. No. 9048 & 9199. Accordingly, the workman has prayed that he be reinstated with back wages and other consequential benefits w.e.f. the date of his retrenchment.

4. The workman filed photo copy of casual labour card, paper No. 7/2 to 7/5 and photo copy of postal receipts, paper No. 7/6, in support of his claim.

5. The opposite parties were called upon to file their written statement vide registered notices dated 08-10-2007. However, the envelop containing notice to the opposite party No. 02 was received back unserved. The opposite party No. 1 put appearance through its authorized representative, Shri Deepak Shukla on 26-10-2007 and subsequently on 30-11-2007 filed application for deletion of opposite party No. 1 from the array of parties, supported with an affidavit of Shri Sandeep Sharma, Dy. Chief Engineer (C), NER, Lucknow; wherein it has been pleaded that the workman never worked under the Unit of Deputy Chief Engineer (C), NER, Lucknow and the workman has impleaded Dy. Chief Engineer (C) wrongly as opposite party no. 1; and accordingly prayed that since the Dy. Chief Engineer (C), NER, Lucknow has been wrongly impleaded in the case as opposite party no. 1, hence the present claim petition may be dismissed due to misjoinder of necessary parties. Also, it submitted that the matter pertains to the open line under DRM, Lucknow under which workman has claimed his alleged working on the basis of casual labour card hence the name of opposite party no. 1 is liable to be deleted from the array of parties. No formal written statement was ever filed by the either opposite parties.

6. The authorized representative of the workman filed objection to the above application for deletion of opposite party No. 1 from the array of parties, paper No. A-10; wherein it stated that the opposite parties contented their case before Regional Labour Commissioner (C), Lucknow according to which present industrial dispute has been referred to this Tribunal; and accordingly, the power to delete any of the parties vests in the Ministry of Labour only.

7. The notice dated 03-03-2009 was issued to opposite party no. 2 by registered post as well as Dasti; but the notice issued by post was received back un-served; whereas dasti notice was received in the office of pravar Sahayak Mandal Engineer (Pratham), NER, Gorakhpur, even then none turned up from opposite party no. 2. At the request of workman another registered notice dated 18-05-2009 was issued at the address of Mandal Engineer (Pratham), NER, Gorakhpur; which too was received back unserved. This Tribunal, taking into account the receiving through office stamp of Mandal Engineer (Pratham), NER, Gorakhpur, vide its order dated 16-09-2009 held that notice was duly served upon the opposite party no. 2; and accordingly the case was ordered to proceed ex-parte against the opposite party no. 2. Likewise, when the opposite party no. 1 did not turn up to press its application for deletion of opposite party No. 1 from the array of parties, the case was ordered to proceed ex-parte against opposite party no. 1 also, vide order dated 07-01-2010 and next date was fixed for workman's evidence.

8. The workman filed its evidence on affidavit and next date was fixed for arguments. The workman forwarded its oral as well as written arguments and the case was reserved for award.

9. Heard representative of the workman and perused evidence on record.

10. It is the case of the workman that he worked as substitute worker w.e.f. 18-07-78 to 15-12-79 for 505 days and his services has been terminated on 16-12-79 without any notice or retrenchment compensation, in violation of the provisions of the section 25F of the I.D. Act. He has filed photocopy of the 'record of service as casual labour' in support of his claim; wherein it has been mentioned that the workman has worked for 505 days as casual labour w.e.f. 18-07-78 to 15-12-79. It has relied on following case laws :

- (i) 2009 (123) FLR 201 Gayanendra Pal Singh & Others vs. Cane Commissioner & other.
- (ii) 2004 (100) FLR 109 State of U.P. & another vs. PO, Labour Court, Agra & another.
- (iii) 2004 SCC (L&S) 506 Bharat Heavy Electrical Ltd. vs. State of U.P. & others.
- (iv) 2003 (96) FLR 1094 Union of India & another vs. Girja Shankar & others.
- (v) 1992 (64) 1005 Union of India & others vs. Basant Lal & others.
- (vi) 2000 SCC (L&S) 362 Nar Singh Pal vs. Union of India & others.
- (vii) 2001 (88) FLR 508 Deep Chandra vs. State of U.P. & another.
- (viii) 2004 (103) FLR 146 Krishna Bahadur vs. M/s. Purana Theatre & others.

(ix) 2006 (108) FLR 592 Sonepat Co-operative Sugar Mills Ltd. vs. Rakesh Kumar.

(x) 2008 (119) FLR 398 Divisional Manager, New India Assurance Co. Ltd. vs. a Sankaralingam.

(xi) 2008 (119) FLR 404 Atam Prakash vs. State of UP & other.

11. In the present case the onus was on the workman to set the grounds for his claim that his services were terminated in violation of Section 25 F of the I.D. Act and the workman has discharged his burden and has proved by way of its affidavit that he worked as substitute casual labour from 18-07-78 to 15-12-79 for 505 days and his services were terminated without any notice or retrenchment compensation. The management has not turned up to rebut the facts stated by the workman in its evidence.

12. In view of the law laid down by Hon'ble Apex Court in (2006) 3 SCC 276 State of U.P. vs. Sheo Shanker Lal Srivastava & others the statement of the witness, having not been controverted would be deemed to be admitted. In the present case the workman has sustained his case of having worked for 505 days in total by filing his affidavit and in view of non-filing of any written statement or affidavit by the management in rebuttal to controvert the workman's claim of statement, there is no reason to disbelieve the statement of the workman given on oath.

13. The workman has filed photocopy of 'record of service as casual labour'; wherein following working details, in respect of the workman, has been mentioned :

Period of employment as casual labour		Number of days
From	To	
18-07-78	15-10-78	90
16-10-78	15-01-79	92
18-01-79	15-03-79	57
19-03-79	15-08-79	150
19-8-79	15-9-79	28
19-9-79	15-11-79	58
16-11-79	15-12-79	30
Total		505

14. The representative of the workman has contended that after having worked for 120 days the workman should have granted temporary status. A bare perusal of the period of employment in respect of workman it is evident that workman worked continuously for two spells i.e. from 18-07-78 to 15-10-78 and 16-10-78 to 15-01-79 for 90 days and 92 days respectively. This shows

that the workman worked continuously w.e.f. 18-07-78 to 15-01-79, continuously for 182 days; which was sufficient for grant of temporary status to the workman having worked continuously for 182 days in 6 month's time.

15. In 2003 (96) FLR 1094 between the Union of India & another vs. Girja Shankar & others Hon'ble Allahabad High Court has observed that the respondents remained in services for more than 120 days in accordance with the Rule 2511 of Chapter XXV of the Indian Railways Establishment Manual, he acquired the status of temporary Government servant.

16. Further, in 1992 (64) 1055 Union of India & others vs. Basant Lal & others Hon'ble Apex Court has observed that in case the workers were employed in the construction work on the open line then they would acquire a temporary status after continuous employment of 120 days, but if the workers were employed on a project work then they can acquire temporary status only after completing 360 days of services. Workers were appointed in the post of casual labour and it was nowhere mentioned that they were employed as casual labour on a project work. All the 105 workers would be entitled to the salary equal to a temporary status employee of the Railway at the initial stage of the pay.

17. Also, in 2004 (100) FLR 109 State of UP & another vs. Presiding Officer, Labour Court, Agra & another Hon'ble Allahabad High Court found no illegality or infirmity in the award given by the Labour Court; wherein the Labour Court held the order of termination as illegal and unjustified. In the said case the employers neither appeared nor led evidence before the Labour Court in support of their case; whereas workman examined himself and proved that he had worked as a Clerk. Therefore, Labour Court granted relief of reinstatement with full back wages.

18. In the instant case, it is the case of the workman that he worked for 505 days and he was entitled for temporary status as per provisions of Railway Establishment Manual on completion of 120 days' continuous service. In the absence of any rebuttal from the management, it is well proved that the workman had worked for more than 120 days without a break in capacity of casual labour and in view of the legal position discussed above; it can be held that the workman deemed to have acquired temporary status on completion of 120 days continuously and termination of his services without giving him a notice was in violation of the provisions of Rule 2304 of the Indian Railway Establishment Manual and was not sustainable in law.

19. Thus, I came to the conclusion that the action of the management of North Eastern Railway in terminating the services of workman, Nand Lal was illegal and unjustified and accordingly, he is entitled to be reinstated

with full back wages. The reference under adjudication is answered accordingly.

20. Award as above.

Lucknow, Dr. MANJU NIGAM, Presiding Officer
24-02-2010

नई दिल्ली, 16 मार्च, 2011

का. आ. 991. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ट्रेनिंग शिप चानक्या के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/41 ऑफ 2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2011 को प्राप्त हुआ था।

[सं. एल-31012/14/2010-आई आर(बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 991. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award PART-II (Ref. No. CGIT-2/41 of 2010) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Training Ship Chanakya and their workman, which was received by the Central Government on 04-03-2011.

[No. L-31012/14/2010-IR(B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT:

K.B. KATAKE, Presiding Officer

Reference No. CGIT-2/41 of 2010

Employers in relation to the Management of Training
Ship Chanakya

Capt. Superintendent,
Training Ship Chanakya,
At Village Karve, Nerul,
Navi Mumbai-400 706

And

Their Workmen,
Ms. Harshita Patil,
C/o J05 'C' Type, B-Wing,
Malhar Sankul,
Near Mahindra Singh Kabul Singh High School,
Agra Road, Kalyan (W) 421 301.

APPEARANCES:

For the Employer : Mr. M.B. Anchan, Advocate

For the workmen : No appearance.

Mumbai, Dated the 12th January, 2011

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-31012/14/2010-IR (B-II), dated 07-04-2010 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of Captain Superintendent, Training Ship, Chanakya, Mumbai in terminating the services of Ms. Harshita Patil, ex-LDC with effect from 1-04-2008 is legal, just and proper? What relief the workman concerned is entitled to?"

2. Notices were served on both the parties. However, second party though duly served, remained absent. Registered AD receipt to that effect is at Ex-4. The second party Ms. Harshita Patil did not appear and file the statement of claim therefore, this reference cannot be decided on merit and the same deserves to be rejected. Thus I pass the following order :

ORDER

Reference stands rejected for want of prosecution.

Date : 12-01-2011 K.B. KATAKE, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 992.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधन के संबंध में निर्यातकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 39/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2011 को प्राप्त हुआ था।

[सं. एल-12012/136/1998-आई आर(बी-11)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 992.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 39/1999) of the Central Government Industrial Tribunal/Labour Court-2, Dhanbad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 4-3-2011.

[No. L-12012/136/1998-IR(B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD**

PRESENT:

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 39 of 1999

PARTIES:

Employers in relation to the management of Bank of Baroda and their workman.

APPEARANCES:

On behalf of the employers : Mr. D. K. Verma,
Advocate

On behalf of the workman : Shri Pratap M. Thacker,
the concerned workman
himself

State : Jharkhand

Industry : Banking.

Dated, Dhanbad, the 14th February, 2011

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/136/98/IR (B-II) dated 27-1-1999.

SCHEDULE

"Whether the order of dismissal of the management of Bank of Baroda against Sh. Pratap M. Thacker, Ex-Clerk Bank of Baroda, Dhanbad is proportionate to the gravity of misconduct? If not, to what relief the workman is entitled?"

2. The case of workman Sh. Pratap M. Thacker, Ex-Clerk of Bank of Baroda, Dhanbad as pleaded in his Written Statement is that though he had been working permanently at Bank of Baroda since long with unblemished record of his service yet he was charge sheeted on 27-3-95 after lapse of two years by the management out of conspiracy with some interested persons with ulterior motive to remove him from the service on false and frivolous allegations that during the period between 1-11-93 and 17-11-93, he had allegedly manipulated and tampered with bank records, connived with outsider to commit fraud, caused considerable loss and prejudicial to the Bank and its interest respectively, defrauding the Bank, he caused wrongful gain to himself and equally corresponding loss with it, and that his act was unbecoming of the Bank employee. The core allegation against the workman was that one customer J. K. Sah had committed fraud of Rs. 40,000 upon the Bank

by presenting a cheque and the concerned workman had helped him to commit the fraud. As per the procedure of the Bank, the workman had entered O.B.C. into the lodgement register, and forwarded to his superior authority for verification and check. It was the duty of the verifying officer to check and verify O.B.C. and to instruct the destination Bank accordingly just as the official had to do so, namely, verification of the signature of the sender's Bank. The O.B.C. is entered in the Saving Bank Account after checking and verification by the superior officer. In the instant case after due verification and checking by the superior officer it was credited in the saving account of aforesaid Shri J. K. Sah, who had submitted his withdrawal cheque under his signature and accordingly the said amount was paid to him. All the allegations contained in the charge-sheet were emphatically denied as false and frivolous, though the management directed for perfunctory departmental enquiry against him.

Further case of the workman is that for the same allegation, a criminal case was lodged against aforesaid Shri J. K. Sah for defrauding with the Bank. Even then the workman was belatedly charge sheeted for the aforesaid allegations without holding a preliminary enquiry properly. So the charge sheet was illegal and void ab initio. A biased and prejudiced Enquiry Officer was appointed to save his colleague officer who was actually helped in the commission of fraud by aforesaid J. K. Sah. The departmental enquiry, in which he was not given an opportunity to cross-examine the management witness or to defend his case even by submitting their statement voluntarily, was against the all norms of the natural justice. The Enquiry Officer put only leading question to the management witness. Shri J. K. Sah had also confessed his guilt in writing before the management. Even in invalid and irregular enquiry departmentally, though the charges as levelled were not proved against the workman, yet he was dismissed by an unauthorised person without issuing second show cause notice to him prior to imposing such dismissal punishment upon him. When his representation before the management against the illegal and arbitrary dismissal order was ineffective, he raised this industrial dispute before the ALC(C), Dhanbad which also failed, it resulted in its Reference for adjudication at the point whether his dismissal was proportionate to the gravity of the alleged misconduct, and lastly it is alleged that the action of the management in dismissing the workman was mala fide, unjust and against the principle of natural justice. The dismissal of the workman was too harsh and disproportionate to the alleged offence.

3. Whereas the case of management is that the concerned workman committed serious misconduct in course of his discharge of his duty as a Clerk in the Bills Department of Dhanbad Branch of the management between the period from 1-11-93 to 17-11-93, and caused loss of Rs. 40,000 to the management with the

corresponding gain to Sri Jayesh Kumar Sah by fraudulently indicating realisation of that amount from U. B. I, New Delhi, through a fabricated cheque drawn in his favour. The workman also committed fraud for Rs. 606 as his T.A. and D.A. on 29-9-73 for his alleged claim to have attended the Regional Office at Jamshedpur for an interview on 3-3-93. So he was charge sheeted on 27-3-95 for his aforesaid fraudulent acts and after its detection he was suspended with effect from 4-4-94 and was paid subsistence allowance as per the Rules of the Bank during the pendency of the enquiry. But the workman did not submit his reply to the charges. As per Office order dated 27-3-95, the management appointed Shri Rajendra Kumar, Branch Manager and Shri V. S. Nishtala both Branch Managers of Bhiyadih Branch and Burma Mines Branch as the Enquiry Officer and the Presenting Officer respectively for holding the enquiry against the workman. On notices, both the workman and the Presenting Officer appeared on 8-8-95 in the enquiry, and the documents concerned produced by the Presenting Officer were properly verified and accepted by the workman as genuine and authentic which were marked as M-1, M-2 to M-53 but it did not raise any objection rather he desired to defend his case accordingly. On not pleading guilty by the workman to the charges levelled against him. The workman in course of enquiry on 5-9-95 requested for permission to engage his lawyer for his defence, but on its reference to the Disciplinary Authority, the workman was advised to engage his defence representative instead of lawyer as per Banking Rules. So the workman engaged Shri Sukanta Paul as Defence Representative to assist him in conducting his defence in the enquiry. Both the parties participated in it and the workman was given full opportunity to cross-examine all the management witnesses to give his statement and defence witness if any as well to file his any document. Thus the departmental enquiry was fairly and properly held in accordance with the principle of natural justice. But it did not raise any objection against the Enquiry Officer or the Presenting Officer and the procedure of the enquiry at any time. After the enquiry the Enquiry Officer submitted his enquiry report dated 9-4-96, holding the concerned workman guilty of the charges levelled against him.

4. Thereafter the Disciplinary Authority issued a letter dated 16/18-4-96 along with copy of the enquiry report and proceeding to the concerned workman for his representation against the finding of the enquiry report and proposed penalty to be imposed upon him. The workman submitted his representation dated 3-6-96 and the Disciplinary Authority gave him opportunity to personally making his submission or the charges of the finding of the Enquiry Officer and thereafter as per order of the Disciplinary Authority dated 28-9-96 he was dismissed from his service as his penalty as per the rules of the Bank after holding full hearing of the case on 18-9-96. The appeal which was preferred by the workman before the Appellate Authority against the order of the penalty dated 28-9-96

after full hearing, the workman was dismissed being without merit. So the action of the management in his dismissal from the services was alleged to be legal, bonafide and justified.

5. Further pleaded on behalf of the management is that factually, the workman was though holding the permanent post yet had previously misappropriated the amount of Rs. 64,480 by withdrawing it from the Post Office. On asking him to refund and deposit the amount in the Bank, he requested to adjust the amount against his P.F. gratuity etc. falling due on retiring. Thus no management of the Bank could retain such person in the service. The detailed acts and omissions of the workman in dealing with the deposited cheque clearly indicate his personal involvement in its transaction in collusion with Shri Sah. Besides that, previously the workman was punished on two occasions, firstly, deference of his due increment date as penalty as per letter RM : PD : 92 : 31/884 dated 30-4-1981 for his frequently unauthorised absenteeism, and secondly, the stoppage of one increment for 6 months as per the order dated 15-3-1991 for unauthorised borrowing money from UCO Bank during the year 1980 and 1982 without prior permission from the Bank management as well as for his failure to pay off loan as complained by the said Bank to the management.

6. In the instant case, the Tribunal as per order dated 8-6-2004 after taking evidence of both the parties has held the domestic enquiry proceeding against the workman was fair, proper and in accordance with the principle of natural justice.

7. FINDING WITH REASONS

In the instant case under adjudication, the single issue involves or evolves is whether the dismissal of workman from his service was commensurate with the gravity of the misconduct of the workman for fraudulent withdrawal of Rs. 40,000 by customer J. K. Sah in his collusion through unauthorised instrument (Cheque) from the Dhanbad Branch of the management, during the tenure of his Clerkship between 1-11-93 and 17-11-93.

On scrutiny of the materials available on the case record, I find MW-1 Rajender Kumar, the senior Branch Manager of Gelmuri Branch of Bank of India as Enquiry Officer having been appointed as per order dated 27-3-95 of the Disciplinary Authority (Ext. M-2) held the domestic enquiry as per Enquiry Proceedings (Enquiry papers marked as Ext. M-3 series) into the charges as contained in the Chargesheet (Ext. M-1) against the workman who though participated in it and did examine one witness (DW-1 Sri Sukant Paul) on his behalf, following the examination of two witnesses (MW-1 Shri P. K. Poddar, MW-2 Shri P. R. Sharma) by the management, both of whom were cross-examined by the workman P. M. Thacker. After conclusion of the enquiry proceeding he submitted his report dated 9-4-1996 (Ext. M-4) holding the concerned workman guilty of the charges and accordingly, the workman was furnished

with the copy of the Enquiry Report as per letter (Ext. M-5) of the Disciplinary Authority. The workman submitted his representation under his signature (Ext. M-6) to the Disciplinary Authority, who also issued in the letter (Ext. M-7) providing an opportunity to show cause against the proposed punishment of dismissal through his personal appearance on 18-9-96, the date on which the workman was present as per his attendance (Ext. M-8). On the aforesaid 18-9-96, he along with his representative represented under his signature (Ext. M-9) against the proposed punishment and thereafter in presence of the concerned workman, the hearing was conducted by the Disciplinary Authority as per its proceeding and the signatures of the Disciplinary Authority (D. K. Sarma), RM, Sukant Paul, the defence representative and workman P. M. Thacker (Ext. M-10). Consequently, the Disciplinary Authority dismissed the workman from his service as per his order (Ext. M-11). Though the workman filed an appeal against it (its copy marked as Ext. M-12) before the Appellate Authority i.e. the Deputy General Manager Satish Chandra Ahuja who was, after hearing him, pleased to dismiss his appeal as per his order (Ext. M-13). The aforesaid Enquiry Officer has proved to having held the preliminary enquiry against the workman fairly, properly and in accordance with the principle of natural justice, giving him full opportunity to defend his case.

8. From the cross-examination of aforesaid Enquiry Officer, Rajender Kumar (MW-1), it stands evident that before the domestic enquiry against the workman, Shri P. R. Sharma (MW-2) had investigated the case but submitted his investigation report after the closure of the domestic enquiry proceeding, in which the disputed cheque was not produced before him by the Presenting Officer though the cheque of Rs. 40,000 was credited to the account of customer J. K. Sah, who had thereafter withdrawn it. According to the aforesaid management witness, on the receipt of an outstation cheque by the Bank, it is entered into the outstation Bill collection register which is placed along with the cheque before the Passing Officer, yet the O.B.C register was not placed before the Passing Officer for making an endorsement on the back side of the cheque for collection. The credit voucher (its photo copy marked as Ext. W-1 for the amount of Rs. 40,000 (the disputed amount) standing in the name of J. K. Sah (J. K. Sah-Jayesh Kumar Sah) proves that its amount was credited in his account. He has himself ascertained that the encashment of a cheque requires filing it with a deposit slip which has two parts : One part is returned to the customer concerned, and the other part along with the cheque concerned is retained by the Bank, and that there is no scope to pass any direction to credit the amount in the account of the customer on the day when the customer deposits an outstation cheque except on the receipt of its advice from the outstation Bank concerned later on. When a cheque is presented by aforesaid J. K. Sah for withdrawal of the

amount, his signature is verified by the passing officer before its payment. Though the management witness (MW-1 Rajender Kumar) as the Enquiring Officer has denied to have victimised this workman holding him guilty to the charges in the domestic enquiry with intent to save his colleague officer concerned. He also denied to have not fairly held the domestic enquiry against the workman in accordance with the principle of natural justice.

9. On the other hand, workman P. M. Thacker as WW-I has stated in his evidence that he was posted as a Clerk at the Bank of Baroda, Dhanbad, in the year 1993 but over an incident of 1993, the management submitted a chargesheet against him in the year 1995, though the management have simultaneously lodged the FIR for the alleged fraud at Bank More Thana in the year 1993 against J. K. Sah, but not against him. According to him, on the collection of outward cheque from the outward bill collector, it was his duty to make entry of those cheques in the register, namely, the O.B.C. Lodgement Register, and thereafter the same were handed over to the officer incharge of those O.B.C. cheques; that on 1-11-93, he received one O.B.C. cheque from customer J. K. Sah for amount of Rs. 40,000 and made its entry in the O.B.C. lodgement register, and thereafter handed over it to the Officer-in-Charge B. K. Sarawgi, who after its receipt made his endorsement in the respective column of lodgement register, and kept it in his possession for needful; that despatch deals in separate department which was unconcerned with him; that the realisation advice from out side used to be received by the Bank office and not by him, and that aforesaid B. K. Sarawgi after receipt of the cheque concerned handed over its realisation advice to him for making its necessary entry into the register and after making its entry in the O.B.C. realisation register, the realisation advice was returned to the Officer-in-Charge along with the O.B.C. realisation register for necessary endorsement in it. The workman has stated to have produced that realisation advice along with the realisation register to Mr. B. K. Sarawgi, who made its necessary entry into the same register after verifying its entry, but he (the workman) never passed any cheque of J. K. Sah concerning any amount to aforesaid customer. The workman has admitted in his statement that he did not submit any reply to his chargesheet, as it was not asked for, yet stated about his unpleaded facts relating to his one thousand rupees taken as T.A. and D. A from the management for his appearance before the Interview Board concerned and the deduction of aforesaid disputed Rs. 40,000 amount illegally and arbitrarily from his gratuity. His such pleas being unpleaded are not tenable. Lastly, he denied to have committed any misconduct in the discharge of his duties under the management.

10. In this case, the workman has himself argued firstly that initially he was not named in the FIR lodged by the management concerning the fraud just after its detection

yet the departmental enquiry followed by his dismissal was motivatedly towards him but his contention appears to be empty and unreasonable in the face of the tangible proof of the charge of his misconduct as proved on behalf of the management. Secondly, he submitted that the denial of the management to his request to engage a lawyer for his defence in the departmental enquiry is against the violation of the natural justice. But this submission of the workman being baseless is untenable. Moreover, as per clause 19.12 (a) (iii) under Chapter XIX under the heading "THE DISCIPLINARY ACTION AND PROCEDURE THEREFOR" of the Bipartite settlement between certain Banking Companies and their workmen (1966 to 1979) specifically stipulates as to the representation of the workman himself or by representative of the registered trade union of the Bank employees as member thereof or also with the Bank's permission, by a lawyer. It clearly invests the Bank Management with the discretionary power to allow a lawyer for the representation of the workman concerned for his defence subject to the permission of the Bank concerned. In the instant case, the workman has fully contested by his active participation along with his defence representative Sri Sukant Paul in the departmental enquiry for the aforesaid charges of misconduct against the present workman. Thirdly, he submitted that his dismissal from the Bank's service was without notice. But this submission of the workman appears to be quite meritless, because he was given the notice which is the management's letter dated 30-8-1996 (Ext. M-7) as proved on behalf of the management witness (MW-1) Rajendra Kumar as a show cause to him against the nature of proposed punishment of dismissal. Lastly, the contention of the workman is that he suffered double punishment, namely, the termination of his 26 years service as a dismissal and the recovery of aforesaid defrauded amount in violation of the natural justice as well as Bipartite Settlement. It also seems implausible, because it was already pointed out concerning the deduction of aforesaid amount as unpleaded, and also for the reason that the misconduct of the workman as omission or commission in course of discharge of his duty while dealing with the aforesaid disputed cheque concerned as detailed in Ext. W-1 itself has been proved by the management against the workman very tangibly.

11. Whereas Mr. D. K. Verma, the Ld. Counsel for the management relying upon the authority : 2003 SCC (LS) 468 (DB), Chairman and Managing Director, United Commercial Bank Versus P.C. Kakkar has submitted 'Acquittal in the criminal case is not determinative of the commission of the misconduct or otherwise, and it is open to the authorities to proceed with the disciplinary proceedings, notwithstanding acquittal in the criminal case. It per se would not entitle the employee to claim immunity from the proceedings. At the most the factum of acquittal may be a circumstance to be considered while awarding punishment, it would depend upon the facts of each case.

and even that cannot have universal application.' (para-15).

12. In view of the aforesaid discussed facts and laws, I find the management has succeeded in the proof of the charge of the aforesaid misconduct against the workman in accordance with the principle of natural justice with the cogent reason. So the administrative decision of the management to dismiss the workman as a Clerk for his misconduct involving the loss of Rs. 40,000 to the Bank was quite just and proper in the eye of law, and his dismissal does not seem to be disproportionate to the gravity of his misconduct, because such a glaring misconduct of the workman who is required to exercise higher standard of honesty and integrity in deal with the money of the depositors and customers, shakes the very foundation of the Banking management in the eye of the public.

13. In the result, I find and hold the dismissal of the workman P. K. Thacker, the Clerk of the management, Dhanbad Branch was rightly dismissed from his service for his misconduct in course of his discharge of his duty at the relevant time, and his dismissal by the management is quite proportionate to the gravity of his misconduct. Therefore, the workman is not entitled to any other relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 993.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ट्रेनिंग शिप चानक्या के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/42 ऑफ 2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2011 को प्राप्त हुआ था।

[सं. एल-31012/15/2010-आई आर(बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 993.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Part-II (Ref. No. CGIT-2/42 of 2010) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Training Ship Chanakya and their workman, which was received by the Central Government on 4-3-2011.

[No. L-31012/15/2010-IR(B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

K. B. Katake, Presiding Officer

Reference No. CGIT-2/42 of 2010

Employers in relation to the management of Training Ship Chanakya, Capt. Superintendent, Training Ship Chanakya, At Village Karve, Nerul Navi Mumbai-400 706.

AND

Their Workman

Shri Machindra P. Bhoir Karave Gaon, In front of Marathi School, Tah. Distt. Thane, Navi Mumbai-400 706.

APPEARANCES:

For the Employer : Mr. M. B. Anchan,
Advocate.

For the Workman : No appearance

Mumbai, the 12th January, 2011

AWARD

The Government of India, Ministry of Labour and Employment by its Order No. L-31012/15/2010 [IR (B-II)], dated 7-4-2010 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of Captain Superintendent, Training Ship, Chanakya, Mumbai in terminating the services of Shri Machindra P. Bhoir, Ex-Steward with effect from 1-4-2008 is legal, just and proper? What relief the workman concerned is entitled to?"

2. After receipt of the reference from Ministry of Labour and Employment, notices were sent to both the parties. The notices of second party workman returned unserved twice with postal endorsement "unclaimed". The workman has neither approached the Labour Commissioner nor to this Tribunal. He has not accepted the notice. There is no statement of claim on record, therefore, this reference cannot be decided on merits and the same deserves to be rejected for want of prosecution. Thus I proceed to pass the following order:

ORDER

Reference stands rejected for want of prosecution.

Date: 12-1-2011

K. B. KATAKE, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

Mumbai, the 28th January, 2011

AWARD

का. अ. 994.—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मोरमुगाव पोर्ट ट्रस्ट के प्रबंधकों के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय-2, मुंबई के संघट (सर्वम संख्या सी जी आई टी-2/94 ऑफ 2005) को संलग्नित करती है, जो केन्द्रीय सरकार को 4-3-2011 को प्राप्त हुआ था।

[सं. एल-36011/3/2005-आई और बी-II]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 994.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award PART-II (Ref. No. CGIT-2/94 of 2005) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mormugao Port Trust and their workman, which was received by the Central Government on 4-3-2011.

[No. L-36011/3/2005-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT:**

K. B. Katake, Presiding Officer

Reference No. CGIT-2/94 of 2005

Employers in relation to the Management of Mormugao Port Trust

The Chairman,
Mormugao Port Trust,
Mormugao Harbour,
Goa-403 803

AND

Their Workmen,
The General Secretary,
Mormugao Port and Railway Workers Union,
Zalboon Apartment,
Near Cine El Monte,
Vasco-da-Gama,
Goa-403 802

APPEARANCES:

For the Employer : Shri M. B. Anchan,
Advocate.

For the Workman : Shri E. O. Mendes,
Advocate

1. The Government of India, Ministry of Labour and Employment by its Order No. L-36011/3/2005-IR (B-II) dated 21-7-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of Mormugao Port Trust, Goa in not promoting Mr. Mick Fernandes and others as per pre-revised Recruitment Rules as demanded by the Mormugao Port and Railway Workers' Union, Goa their letter under reference No. MPRWU/2005/G-283 dated 20-1-2005 (Annexure 3x.1) is legal and justified? If not, to what relief the union is entitled for?”

2. Both the parties were served with notices. In response to the notice, the Second Party Union has filed its statement of claim at Ex. 6. According to them while giving promotion to Mr. S. Y. Kamat and Mr. Ulhas Kerkar undue advantage of six years of ad hoc promotions were given to them and they were promoted as Asstt. Managers on regular basis in July, 2004. According to them, the I.T. Assistants Mr. Finton Saldanha, Sanjay Nadkarni and Mick Fernandes were in violation of rules continued to be employed on ad hoc basis although regular posts were available since February, 2003.

3. According to them Mr. S. Y. Kamat and Mr. Ulhas Kerkar were continued in service on ad hoc basis for six years and were promoted on regular basis after amending the Recruitment Rules for relaxation of qualification for the post of Sr. Asstt. Manager (I.T.). The Recruitment Rules were amended to suit Mr. S. Y. Kamat and Mr. Ulhas Kerkar though eligible candidates as per the existing Recruitment Rules were available in the feeder channel. The management also appointed Mr. Laxmikant Gawde to the post of I.T. Assistant initially in O.B.C. category against a transfer post from another department. The dispute raised by the Union is that Mr. Laxmikant Gawde is not eligible for promotion. The Union espoused the cause of the case of I.T. Assistants, ex facie Mr. Mick Fernandes who was denied promotion and instead of promotion he was reverted back to accommodate some other employee. The Union therefore prays that the reversion of Mr. Mick Fernandes be set aside and the appointments on ad hoc basis be regularized in terms of existing rules governing appointments in MPT.

4. The management party No. 1 resisted the statement of claim vide its written statement at Ex. 8. According to it, in 1998 the two posts of Sr. Asstt. Managers (I.T.) were filled up on ad hoc basis from seniormost employees Mr. S. Y. Kamat and Mr. Ulhas Kerkar from the feeder category of Asstt. Manager (I.T.) who were

working in the I.T. Sector for more than 16 years. The Recruitment Rules for the post of Asstt. Manager (I.T.) was amended as advised by Ministry and educational qualification was relaxed from post graduate to graduate. Rules were accordingly amended. The ad hoc promotions of Mr. S. Y. Kamat and Mr. Ulhas Kerkar were regularized w.e.f. 31-7-2004 after implementing the amended Recruitment Rules. Mr. Gawde was from OBC category at the time of his appointment as he is belonging to Gawda community which has been subsequently notified as S.T. in the official gazette dated 17-4-2003, hence, he is entitled for promotion in reserved post for S.T. They deny that Mr. Mick Fernandes was denied promotion and he was reverted back to accommodate some other employee. Mr. Mick Fernandes, Clinton Saldanha and Sanjay Nadkarni were promoted on ad hoc basis on 18-4-2002. They have been granted ACP w.e.f. 29-11-2004 in the next promotional post of Jr. Programmer. Therefore there is no reversion and there was no adverse effect on their financial benefits. Therefore, management prays that the Reference be rejected with costs.

5. The Second Party Union filed its Rejoinder to W.S. at Ex. 9. They denied the claim of the First Party and repeated their allegations in the W.S.

6. Following are the issues framed by my Ld. Predecessors for my determination. I record my findings thereon for reasons to follow :

Issues	Findings
(1) Whether First Party proves that, decision of it in ignoring claim of Mr. Mick Fernandes and others as per pre-revised Recruitment Rules is just and proper ?	Yes
(2) Whether employees involved in the Reference are entitled to get any relief ?	No
(3) What order ?	As per final order

REASONS

7. Issue Nos. 1 and 2 : In the case at hand it is an admitted fact that Mr. S. Y. Kamat and Mr. Ulhas Kerkar were promoted as Senior Asstt. Manager on ad hoc basis. Thereafter, rules were amended and instead of post graduation qualification, graduation was sufficient qualification for the promotion. Thereafter they were promoted in the regular cadre of Senior Asstt. Manager. Though their names are given in the Reference from the facts and circumstances on record it is clear that both these employees were the seniormost and the party No. 2 also admitted the said fact. In the cross examination of witness No. 1 of party No. 2 Mr. Seby Coutinho has

admitted at Ex. 13 that two seniormost employees viz. S. Y. Kamat and Ulhas Kerkar were appointed as Senior Asstt. Manager on ad hoc basis. Their witness No. 2 A. J. Peter has also admitted in his cross that Mr. Mick Fernandes involved in the Reference is junior to S. Y. Kamat and Ulhas Kerkar. Witness No. 3 Prasad Naik for Party No. 2 has also admitted in his cross at Ex. 26 that Mr. Kamat and Mr. Kerkar are the seniormost employees in the Finance Department of the first party and they were appointed as Senior Asstt. Manager (I.T.) w.e.f. 4-2-1998. He also admitted in his cross that both were senior to Mr. Fernandes. In the circumstances and admission given by these witnesses it is clear that neither there is any irregularity in promoting them nor both these employees have superseded Mr. Fernandes.

8. From the cross-examination of witness No. 1 and witness No. 2 it appears that they did not like promotion given to Mr. Gawde as he was junior to Mr. Fernandes. In this respect it was argued on behalf of the first party company that Mr. Gawde was promoted against OBC post and subsequently his Gawda cast was notified in ST category. Therefore, Mr. Gawde was promoted to the post against ST category. Therefore, his promotion cannot be challenged though he has superceded Mr. Mick Fernandes. It is a fact that, Mr. Gawde was promoted against OBC seat and subsequently his cast was notified by Goa Government as ST category. All these witnesses of party No. 2 have admitted in their respective cross-examination at Ex. 13, 25 and 26 that Mr. Gawde belong to Gawda caste and he was promoted against OBC seat and subsequently Goa Government has declared Gawda community as ST community. They have admitted that Mr. Gawde was promoted under backlog of ST category. In the circumstances it cannot be said that Mr. Gawde has superseded Mr. Fernandes or any other employee who are from open category.

9. In this respect it is the case of the management that Mr. Mick Fernandes though was not given regular promotion, he was given ACP promotion. Witness of Union WW-2 has admitted in his cross at Ex. 25 that ACP promotion was given to Mr. Mick Fernandes. Witness No. 3 Mr. Prasad Naik has admitted in his cross at Ex. 26 that concerned workman is drawing salary under ACP which is equivalent to promotion grade. All this support the version of the management that there was no illegality in giving promotion to the aforesaid workers and the interest of Mr. Mick Fernandes was also protected by giving him ACP promotion. In short, it cannot be said that any injustice was caused to Mr. Mick Fernandes or any other employee due to promotion of Mr. Kamat, Mr. Kerkar and Mr. Gawde. On the other hand from the evidence on record it is clear that Mr. Mick Fernandes though was not given regular promotion he was granted ACP and he is drawing the salary equivalent to the promotion grade. Accordingly I decide this issue No. 1 in the affirmative that the decision

of the management in ignoring claim of Mick Fernandes and others was just and proper. Consequently I hold that the employees involved in the Reference are not entitled to any benefit. Thus, I decide this issue No. 2 in the negative. In the light of above discussion I arrive at the conclusion that the reference deserves to be rejected. Thus I pass the following order :

ORDER

The Reference stands rejected with no order as to costs.

Date: 28-01-2011 K. B. KATAKE, Presiding Officer.

नई दिल्ली, 16 मार्च, 2011

का. आ. 995.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/35 ऑफ 2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2011 को प्राप्त हुआ था।

[सं. एल-31011/1/2007-आई आर(बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 995.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award PART-II (Ref. No. CGIT-2/35 of 2007) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 4-3-2011.

[No. L-31011/1/2007-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

K. B. Katake, Presiding Officer

Reference No. CGIT-2/35 of 2007

Employers in relation to the Management of Mumbai Port Trust :

The Chairman,
Mumbai Port Trust,
Port Bhawan, Ballard Estate,
Mumbai-400 038

AND

Their Workmen,
The General Secretary,
Mb. P. T. Mazdoor Sangh,
3-AB, Hashim Building, 1st Floor,
40, Veer Nariman Road, Fort,
Mumbai-400 001

APPEARANCES:

For the Employer : Shri Umesh Nabar,
Advocate

For the Workmen : Shri H. R. Singh,
Advocate

Mumbai, dated the 31st January, 2011

AWARD

1. The Government of India, Ministry of Labour and Employment by its Order No. L-31011/1/2007-IR (B-II) dated 2-8-2007 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Mumbai Port Trust by giving the unlawful promotion to Shri W. E. Fernandes Sub-section Leader to Section Leader is justified? If not, what relief the union i.e. Mb. P.T. Mazdoor Sangh is entitled to?"

2. Both the parties were served with notices. In response to the notice, the Second Party Union appeared through its representative and filed its statement of claim at Ex. 5. According to them, the union has addressed a letter to Smt. Rani Jadhav, the Chairman, Mumbai Port Trust requesting her to revert Shri W. E. Fernandes as he was unlawfully promoted to the post of Section Leader from Sub-section Leader. According to them Mr. W. E. Fernandes is not possessing essential educational qualifications as prescribed in the Mb PT Employees R. S. P. regulations, 1977. The Mb PT Management has modified the regulation in 1977 by which new essential qualifications for the higher two posts of promotions is made mandatory w.e.f. 8-1-1998. The promotion to Sr. Section Leader can be given only when one is having SSC passed certificate and has obtained Sub-station officer's certificate from the National Fire Service College, Nagpur or from equivalent body. There are sufficient numbers of trained personnel available for promotion for such two higher posts of Sub-Section Leader and Section Leader. The MbPT Management is sending the staff for acquiring training from the National Fire Service College, Nagpur. There are more than 12 employees who are having such essential qualification in the Port Fire Service. Therefore, the union request the promotion given to Shri W. E. Fernandes be cancelled and he be reverted. Instead of him, rightful claimant Shri A. B. Bhattacharya, V. R. Vaskar and

B. H. Jadhav be considered who have essential qualifications.

3. The first party, management of Mb PT resisted the statement of claim vide its written statement at Ex. 6. According to them, the claim of the second party is false. They denied that they have promoted Mr. W. E. Fernandes to the post of Section Leader illegally. They have denied that he does not have basic qualification for the said promotion. According to them, Shri Walter E. Fernandes is performing his duties on the promoted post. He is not made party to this reference and no order should be passed without hearing him and adverse to his service conditions. The claim is bad for want of necessary party.

4. According to them, Mr. W. E. Fernandes was promoted on the basis of his seniority and suitability. All the promotions are made on the basis of seniority-cum suitability. The existing employees in the line of promotion who have not passed SSC examination cannot aspire for promotion to higher post of Section Leader and Sr. Section Leader. The Station Officer's certificate for the post of Sr. Section Leader was also not met out by the employee in the line of promotion. The first party has also taken into consideration the progress of employees and in such circumstances has to open promotional avenues. The First Party has proposed amendment to the schedule to the RSP Regulations for promotion to the post of Section Leader and Sr. Section Leader. There is no irregularity or illegality in giving promotion to Mr. W. E. Fernandes. The grievance of Second Party is not genuine. Therefore, they pray that the reference deserved to be dismissed.

5. The Second Party filed its rejoinder to written statement at Ex. 7. They have denied the claim of the management and repeated their pleadings in the statement of claim.

6. Following are the issues framed by my Ld. Predecessor. I record my findings thereon for the reasons to follow :

Issues	Findings
(i) Whether the decision taken by the first part in giving promotion to Shri W. E. Fernandes, Sub-section Leader to Section Leader is justified and proper ?	Yes
(ii) What order ?	Reference Rejected

REASONS

Issue No. 1 :

7. In the case at hand, though sufficient time was given, the union has neither produced any documents not led any oral evidence. The burden was on the union to

show that there were eligible employees who were not promoted. Union was supposed to show with the help of oral and documentary evidence that W. E. Fernandes was promoted illegally by superseding the eligible candidates. The union failed to discharge the burden. They failed to show that any other candidate was eligible for promotion in spite of that Mr. Fernandes was promoted.

8. In this respect, further I would like to point out that the union has challenged the promotion of Mr. W. E. Fernandes. He is not party to the reference. It would amount to violation of principle of natural justice to pass any adverse order against Mr. Fernandes. The union ought to have added Mr. Fernandes as party to this reference to which they failed. In the circumstances, and for want of evidence on behalf of union, I come to the conclusion that the reference deserves to be rejected. Thus I decide issue No. 1 in the affirmative. Thus I proceed to pass the following order :

ORDER

The reference stands rejected with no order as to cost.

Date : 31-01-2011

K. B. KATAKE, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 996.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एन जी पी/47/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2011 को प्राप्त हुआ था।

[सं. एल- 12012/591/1989/डी-2(ए)आई

आर(बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 996.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/47/2003) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 10-3-2011.

[No. L-12012/591/1989/D-2(A)-IR(B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/47/2003

Date : 2-3-2011

Party No. 1 : The Regional Manager,
Union Bank of India,
Plot No. 19,
Wardha Road,
Nagpur

Versus

Party No. 2 : Shri Vijaysingh Umraosingh
Raghuwanshi,
Wadekar Galli,
Sangamner,
Dist. Ahmednagar.

AWARD

(Dated : 2nd March, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute between the employers, in relation to the management of Union Bank of India and their workman, Shri Vijaysingh for adjudication to the Central Government Industrial Tribunal, Jabalpur, as per letter No. L-12012/591/89-D-2(A) dated 2-7-1990, with the following Schedule :

SCHEDULE

"Whether the action of the management of Union Bank of India in dismissing Shri Vijaysingh Umraosingh Raghuwanshi from the services of the Bank is justified? If not, to what relief the workman concerned is entitled?"

Subsequently, the reference was transferred to this Tribunal for disposal in accordance with law.

2. Being noticed, the workman, Shri Vijaysingh ("the workman" in short) filed the statement of claim and the management of Union Bank of India, ("the Party No. 1" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that he joined as a Cashier at Sangamner Branch on 27-4-1970 and he was posted to Patur Branch as Head Cashier Category-A on 25-2-1972 and while he was working as such, on 11-11-1974, he was served with a charge sheet and on 8-1-1975, he was served with the second charge sheet and in the charge sheet dt. 8-11-74, the allegations made against him were that he issued a cheque book bearing cheque Nos. 9162526-9162540 to an unauthorized person on 10-6-74 and two cheques purported to have been drawn by the account holder of Saving Bank Account No. 762, in favour of one Shri S. J. Ingle were presented for encashment at Patur Branch and he paid the said cheque amount in cash on 27-9-74 and 30-9-74 respectively and the third cheque bearing No. 9162531 was also encashed by an unauthorized person on 4-10-74 and the second charge sheet dt. 8-1-75 was issued against him on the allegations that he was unauthorisedly indulging in buying and selling

of gold and a joint enquiry came to be conducted by the Party No. 1 and though he was exonerated from the charges levelled vide charge sheet dt. 8-1-75, the charges levelled in charge sheet dt. 11-11-74 were held to have been proved against him in the departmental enquiry and therefore, he was dismissed from service vide order dt. 11-11-75 and the Party No. 1 on 7-11-74, lodged a Police Report against him accusing him of having committed the offence punishable under Sections 467, 468, 420 and 120 of the Indian Penal Code and the allegations in the Police complaint were identical to the allegations contained in the charge sheet dt. 11-11-74 and in pursuance of the aforesaid complaint, Patur Police filed a charge sheet against him and vide judgement dt. 28-1-81, he was convicted by the learned Chief Judicial Magistrate, Akola, but he preferred an appeal vide criminal appeal No. 24/81 against the said judgement and vide judgement dt. 30-7-81, the learned Additional Session Judge, Akola allowed the appeal and the Party No. 1 preferred an appeal against the judgement of acquittal before the Hon'ble High Court, Judicature of Bombay, Bench at Nagpur and the Hon'ble High Court dismissed the appeal preferred by the Party No. 1 vide judgement dt. 1-9-86 and Paragraph 521 of the Shastri Award stipulates that the management is entitled to conduct a departmental enquiry only, if the delinquent employee not put on trial within a year of commission of the offence and even in such an eventuality, the right of the management is restricted to effect a simple discharge and if an employee is proceeded against departmentally on allegations constituting an offence involving moral turpitude and steps are taken to initiate prosecution, the management has no right to dismiss an employee and the order of dismissal dt. 11-11-75 was challenged by him, before the Appellate Authority, the Chief Principal Officer of the Union Bank of India vide appeal dt. 1-12-75 and though the appeal was forwarded to the said Appellate Authority by registered post with acknowledgement due, the same was not even acknowledged, much less heard on merits and as such, he moved the conciliation authority for redressal and as the conciliation proceedings ended in failure, the matter was reported to the Central Government.

It is further pleaded by the workman that the service condition of the employees of the Party No. 1 are inter-alia governed by various Bipartite Settlement and Awards, which have been made from time to time and Shastri Award is one such award, which determines the service conditions and Paragraph 521 stipulates that when in the opinion of the management, an employee committed an offence, unless the employee is otherwise prosecuted, the bank may takes steps to prosecute him and to get him prosecuted and in such a case he may also be suspended and paragraph 521(c) restricts the disciplinary right of the management to a simple discharge in the eventuality of an employee being acquitted in the criminal trial and the Disciplinary Authority of the Bank is subjected to a further

rider that in the event, the management decides after conducting an enquiry to discontinue the employee in service, the employee shall be liable only for a simple termination and Sub-para 3 of para 521, imposes a further restriction on the Disciplinary Authority, in as much as the Bank is permitted to initiate the departmental enquiry, only if, the employee is not put on trial within one year, after steps have been taken to prosecute an employee and sub-para 3 further stipulates that even when such an enquiry is conducted, the employee shall be liable only for a simple termination and as such, the dismissal order dt. 11-11-75 is nonest in the eye of law, on the ground that provisions of Shastri Award have been breached and not only did the party No. 1 initiate the enquiry within one year of the Police complaint but also imposed a punishment of dismissal, which could not have been done on the face of clear and unequivocal provisions of Para 521 of Shastri Award and the right of an appeal is a valuable right recognized by Shastri Award and although an appeal was preferred by him well within the time, the Party No. 1 did not acknowledge the receipt of the same and the appeal preferred by him was not decided at all and on that ground also, the dismissal order is bad in law and the Party No. 1 failed to observe the principles of natural justice in the departmental enquiry and the entire enquiry was a mere formality and the same was decided on ugly haste and the Inquiry Officer assumed the role of the prosecutor himself and adjournments were denied on untenable grounds with the result that the entire evidence of the management came to be recorded behind his back and fair opportunity was not given to him to defend himself in the inquiry and the inquiry proceedings are also bad in law as he was not permitted to engage a lawyer, even though the Presenting Officer was a law graduate and the findings of the Inquiry Officer are beyond the scope of the charge sheet dt. 11-11-74 and as such, the enquiry report and subsequent order of dismissal cannot stand the scrutiny of law and the findings of the Inquiry Officer are based on no evidence at all and are perverted and the Inquiry Officer did not take into consideration the evidence adduced by him in his defence and specially the evidence of Shri Ingle, the beneficiary of the encashment of the alleged cheques, who was examined as a defence witness and as such, the entire inquiry report is vitiated and the consequent dismissal is liable to be declared as illegal. The workman has prayed for his reinstatement in service with all consequential benefits including arrears of wages and seniority.

3. The Party No. 1 in its written statement has pleaded inter-alia that the workman was dismissed from service vide an order dt. 11-11-74 on the charges of gross misconduct involving moral turpitude, after a duly held departmental enquiry and the workman and one Shri Suryabhan Ingle in furtherance of their common intension entered into a plan of cheating and defraud it and in

furtherance of their said plan, the workman obtained a cheque book in the name of one Shri Pandhurang, who was having a saving bank account in its Batur Branch and in which branch, the workman was working as the Cashier and from the account of the said Pandhurang, the workman alongwith Shri Ingle withdrew an amount of Rs. 22,000 in total by committing forgery and cheating and thereby caused loss to it and further the workman committed breach of trust and therefore, the workman was charge sheeted vide charge sheet No. STF 2668 dt. 8-11-74 on the charges of committing fraud or abatement of fraud of Rs. 22,000 and dishonesty in connection with the Bank's business and doing acts prejudicial to the interest of the Bank and subsequently further charge sheet was issued against the workman on the basis of perusal of his account, which disclosed that the workman had some other sources of income than his salary income of the Bank and therefore, he was charged for gross misconduct of doing acts prejudicial to the interest of the Bank and engaging in any trade or business outside the scope of his duties and the enquiry was held by giving opportunity to the workman to defend himself and by following the principles of natural justice and the workman was acquitted by the learned Additional Session Judge, Akola under benefit of doubt and the appeal filed by the state against the order of such acquittal was dismissed by the Hon'ble High Court on 2-9-86 and acquittal of the workman by the Appellate Court has no material bearing on the issues involved in the present case and Para 521 of Shastri Award is not applicable to the facts of the present case and it was not debarred from conducting the departmental enquiry and the right of the management is not restricted to effect simple discharge in the eventuality of an employee being acquitted in a criminal trial and the workman had not submitted any appeal against the order of dismissal dt. 11-11-75 and a false averment has been made in that regard and in the case of charges of gross-misconduct involving moral turpitude, it has right to effect dismissal of an employee and there was no breach of Para 521 of Shastri Award and in the enquiry, the workman gave out before the Inquiry Officer to defend himself in the case and he also cross-examined the witnesses and as such, it cannot be said that he was not given proper opportunity to defend himself and the findings of the Inquiry Officer are not perverted and are within the scope of the charge sheet and the same are based on the evidence on record and as such, the workman is not entitled for any relief.

4. As this is a case of dismissal from service of the workman, the validity of the departmental enquiry was decided as a preliminary issue and by order dt. 7-2-96, the departmental enquiry was held to be just, proper and legal. Hence, now it is to be considered as to whether the findings are perverted and the charges of misconduct are proved on the facts of the case and whether the punishment awarded is proper and legal.

5. The workman has examined himself as a witness in support of his claim, besides placing reliance on documentary evidence. The Party No. 1 has not adduced any oral evidence. However, it has placed reliance on documentary evidence relating to the departmental enquiry.

The workman in his evidence on affidavit has reiterated the facts stated by him in the statement of claim.

6. At the time of argument, it was submitted by the learned advocate for the workman that on 7-11-94, the party No. 1 lodged a Police complaint against the workman and Police register a case under sections 467, 468, 420 and 120 of Indian Penal Code and submitted charge sheet and the workman was convicted by the learned Chief Judicial Magistrate, Akola on 28-1-81, but he was acquitted by the learned Additional Sessions Judge, Akola on 30-7-81 in the appeal preferred by him and as according to Para 521 of the Shastri Award, the management has empowered to conduct a departmental enquiry, if the employee is not put on trial within a year of commission of a offence and even in such eventuality, the right of the management is restricted to effect simple discharge and not the dismissal as is being done in the present case, the impugned dismissal of the workman from service is illegal and the appeal preferred by the workman before the Appellate Authority evoked no response and in the departmental enquiry, Shri Ingle, the beneficiary of the encashment of the cheques in question was examined before the Inquiry Officer in the defence of the workman and though the said witness has clearly stated that the cheques in question were handed over to him by one Shri Rode, the Peon, the Inquiry Officer deliberately did not take such evidence into account and as such, the findings of the Inquiry Officer are perverted and great injustice has occasioned upon the workman and the conclusion drawn by the Inquiry Officer is not based on the evidence on record and as such, the order of dismissal is illegal and liable to be set aside.

7. On the other hand, the learned advocate for the Party No. 1 submitted that acquittal of an employee in a criminal action in respect of the misconduct concerned, by giving benefit of doubt, would not per se be binding upon employer and does not automatically give the employee right to be reinstated. In support of such contention, reliance has been placed on the decision reported in 2005 SCC (L and S) 609 (Manager, RBI Vs S. Modi and others), 2005 SCC (L and S) 1020 [Ajeetkumar Nag Vs GM, P.T. 100 Ltd.]. It was also submitted that the workman did not prefer any appeal against the order of the Disciplinary Authority and unsuccessful attempt has been made by him that he filed an appeal before the Appellate Authority and on that ground also, the reference is liable to be answered in negative. In support of such contention, reliance has been placed on the decision reported in 2005 SCC (L & S) 200 (DM Plantation Revision, Andaman Vs Munnu Barick). It was further submitted

that the Tribunal has no power to interfere with the quantum of punishment, unless and until it is found by it that the punishment is shockingly disproportionate to the charges levelled against the workman and conclusive proof of guilt is not required in a domestic enquiry and it is only necessary to find out as to whether the management was justified in coming to the conclusion in a bona fide, fair and proper domestic enquiry that the charges against the employee were well founded. In support of such contentions, reliance has been placed on the decision reported in 2005 SCC (L & S) 1020 (supra), AIR 1974 SC 555 (E.P. Royappa Vs State of Tamil Nadu), AIR 1970 SC 1255 (State of Assam Vs Mahendrakumar Das), 1999 I.L.J. 2819 (SC) (BOI Vs D. Sujjanarayana) and many others.

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions cited by the learned advocate for management, now, the present case in hand is to be considered.

8. So far the contention raised by the learned advocate for the workman regarding initiation of the departmental proceedings in breach of the provisions of Para 521 of the Shastri Award is concerned, the same was taken for consideration at the time of deciding the validity of the departmental enquiry and the same was answered against the workman and as such, there is no scope for reconsideration of the same at this juncture. Admittedly, Para 521, sub-para 3 of Shastri Award provides that in the event of the management deciding, after enquiry, not to continue him in service, he shall be liable only for termination with three months' pay and allowances in lieu of notice as directed in sub-para 2 and sub-para 2(d) of Shastri Award provides that when an employee prefers an appeal or revision application against his conviction and is acquitted, in case, he had already been dealt as above, and he applies to the management for reconsideration of his case, the management shall review his case and may either reinstate him or proceed against him under the provisions set out below in sub-paragraphs 9 and 10 infra relating to discharge, and the provisions set out above as to pay, allowances and the period of suspension will apply. the period up-to-date for which, full pay and allowances have not been drawn being treated as one of suspension. In the event of the management, deciding after enquiry, not to continue him in service, the employee shall be liable only for termination with three months' pay and allowances in lieu of notice as directed above. In this case at hand, the charges levelled against the workman were found to have been proved in the departmental enquiry and accordingly, the workman was dismissed from service. There is nothing on record to show that after his acquittal, the workman applied to the management for reconsideration of his case and as such, I find no force in the contention raised by the learned advocate for the workman that the order of dismissal of the workman from service is illegal as para 521 of the Shastri Award only provides simple termination.

9. Though the workman has tried to show that he had preferred an appeal against the order of his dismissal from service and his appeal was not considered, there is no legal evidence on record to show that any appeal was preferred by the workman before the prescribed Appellate Authority. Hence, I find no force in the contention raised by the learned advocate for the workman that the appeal preferred by the workman evoked no response by the authority.

10. The most important contention raised by the learned advocate for the workman was that at the time of giving his findings, the Inquiry Officer did not take into consideration the evidence of Mr. Ingle, who was examined as a defence witness and who had stated that the cheques in questions were handed over to him by Mr. Rode, the Peon of the Bank and as such, the findings are perverted and the order of the dismissal from service basing on such findings is illegal. On perusal of the records of the departmental proceedings, it is found that Mr. Suryabhan Jairam Ingle was examined as a defence witness by the workman in the departmental enquiry. Shri Ingle was the beneficiary of the cheques in question as per the case of the Party No. 1. This witness has stated that the first two cheques in questions for Rs. 4,000 and Rs. 2,000 respectively were handed over to him by Mr. Rode, the Peon of the Bank and the third cheque of Rs. 16,000 was given to him by Mr. Pandhurang Parmale. However, the Inquiry Officer rightly did not place any reliance on such evidence, firstly, as Shri Ingle was a co-accused along with the workman in the criminal case instituted by the Police and secondly, the workman did not take such a plea at the time of cross-examination of Shri Rode and Shri Parmale. It is clear from the evidence on record that the findings of the Inquiry Officer are based on the evidence on record and the same are not perverted. It is well settled by the Hon'ble Apex Court that in banking business, absolute devotion, diligence, integrity and honesty need to be preserved by every bank employee and if this is not observed, the confidence of the public/depositor would be impaired and the administration of justice cannot be allowed to be trembled by feel of mercy particularly, in the context of administrative law, where interference by Court is relegated to a secondary role and when faith is lost in an employee, particularly in banking business, where public money is involved, mercy has no role to play in reformative approach is totally uncalled for.

In the present case at hand, the workman held a position of trust, where honesty and integrity were the inbuilt requirements of functioning, but the workman was found to be dishonest and the Party No. 1 lost confidence in the workman. From the materials on record, it is found that the punishment imposed against the workman is not shockingly disproportionate to the charges proved against

him and as such, there is no scope to interfere with the punishment imposed against the workman. Hence, it is ordered :

ORDER

The action of the management of Union Bank of India in dismissing Shri Vijaysingh Umraosingh Raghuvanshi from the services of the Bank is justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 997.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 35/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2011 को प्राप्त हुआ था।

[सं. एल-12011/139/2003-आई आर(बी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 997.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 35/2003) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 10-3-2011.

[No. L-12011/139/2003-IR(B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 35 of 2003

PARTIES:

Employers in relation to the management of Punjab National Bank

AND

Their workmen

PRESENT:

Mr. Justice Manik Mohan Sarkar, Presiding Officer

APPEARANCE:

On behalf of the Management : Mr. Arvind Indwar, Manager-HRD of the Bank

On behalf of the Workmen : Mr. R. Chittopadhyay,
Executive Committee member of
the Bank Employees' Federation
(W.B.) with Mr. A. Mitra, Secretary
of the union.

State : West Bengal **Industry :** Banking

Dated : 2nd March, 2011

AWARD

By Order No. L-12011/139/2003-IR (B-II) dated 21-10-2003 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether Mr. Alope Santra, Part-time Sweeper is entitled for Regularization as Peon at the Birshanghamore Branch of Punjab National Bank w.e.f. 1-1-2001 in the vacancy caused by retirement of Shri Hare Hrishna Mondal ? If not, what relief he is entitled to ?"

2. In the statement of claim filed on behalf of the workman, it is submitted that at Birsinghamore Branch of the Bank at P.O. Radhanagar, Dist. Midnapore there are only two sanctioned posts in the subordinate cadre, one being a post of Part-time Sweeper with 1/3rd scale wage and another a Full-time Peon-cum-Daftary. The regular Peon, Shri Hare Krishna Mondal retired as such on 31-12-2000 and thereafter on and from 1st January, 2001 the post of Peon became vacant. No other person was appointed or posted to the said post of Peon and the workman concerned, Shri Alope Santra, a Part-time Sweeper was verbally asked to do the job of the Peon besides his normal duties as Part-time Sweeper with effect from 1st January, 2001 and so the workman concerned continued to perform the said duties of Peon in addition to his usual duties as Part-time Sweeper. Shri Santra was not paid the normal/usual pay and allowances attached to the post of Peon and he used to be paid with Rs. 450 for working as Daftary for the month of January, 2001 and that amount was increased to Rs. 750 per month and the payment used to be made through cash voucher. The workman concerned used to receive the said amount of Rs. 750 upto August, 2001 and since September, 2001, such payment of Rs. 750 for working as Daftary was stopped. The Bank has regularized one Shri Nitya Ghosal, similarly circumstanced Part-time Sweeper of the Bank employed at Gobindapur Branch in the district of Purulia in the post of Peon. Thereafter representation was made by the workmen union to the Bank over the issue of the present workman claiming his regularization in the post of Peon of this Branch and said claim was not heeded to and such refusal was unlawful and unjustified. It is claimed on behalf of the present workmen who have been engaged in the post of Peon of the Branch continuously and interruptedly for more than 356 days and thereby claimed his regularization to the

post of Peon with effect from the date of his initial engagement on and from 1st January, 2001.

3. The management Bank in its written statement has claimed the present reference cannot be termed as an industrial dispute and thereafter submitted that the government guideline in respect of absorption/conversion of eligible Part-time Sweeper/Full-time Sweeper as Peon in the subordinate cadre is that 25% of the vacancies are to be filled up from such subordinate cadre sweepers. Further the Bank claimed that the case of the present workman, Shri Alope Santra was premature one since eligibility of Shri Santra for absorption in the post of Peon has not yet been reached. The management Bank claimed that the names were called from the local Employment Exchange for recruitment to the post of Peon and thereafter denied that Shri Alope Santra was ever called upon verbally to do the work of Peon of the Branch in addition to his duties and he was never utilized as a Peon as claimed. But, the management Bank has admitted that cooperation from the workman concerned was taken time to time for work other than Part-time Sweeper and he was adequately compensated for the same and denied the claim of the workman that he was continuously and uninterruptedly performed the duties of the Peon of the Branch. The management Bank also admitted that compensation amount of Rs. 450 was paid in January, 2001 and thereafter since February, 2001 to August, 2001 he was being paid Rs. 750, excepting for the months of March and June, 2001. It is further claimed by the management Bank that after August, 2001 no occasion arose to take such cooperation of Shri Santra and for that reason no compensation thereafter was paid to him. It is stated that the case of Shri Nitya Ghosal, the present Peon at Branch Office Gobindapur is not similar to the present case as claimed by the workmen union and it does not create any right in favour of Shri Santra to claim absorption as Peon. The management Bank submitted that the claim of the workmen union or the present workman for regularization to the post of Peon and to pay him appropriate full wages and other consequential benefits like other regular Peons with effect from 1st January, 2001 is not justified.

4. A rejoinder has been filed by the workmen union with usual denial of the case made out by the management Bank in its written statement.

5. Admittedly, the workman, Alope Santra is engaged as a Part-time Sweeper under the management Bank at its Birsinghamore Branch of the Bank with 1/3rd scale wage. It is also admitted fact that one Hare Krishna Mondal (mentioned as Hare Hrishna Mondal in the schedule of reference), a Full-time Peon in the said Branch and on superannuation he retired from the post of Peon on and from 1st January, 2001 and thereafter the post of Peon became vacant.

6. It is the case of the workmen union that Shri Santra was verbally engaged to do the job of Peon in addition to

his usual duty of Part-time Sweeper in the vacant post of Peon after retirement of Shri Mondal and according to the workmen union the workman concerned was being paid some lumpsum amount through cash vouchers for working as Daftary since the post of Peon also had an annexed task of daftary. Mr. Chattopadhyay, authorized representative of the workmen union submitted that though the workman concerned was asked to do the job of peon-cum-Daftary as an added work besides his regular job of part-time Sweeper, a right has accrued in the workman concerned to be considered for regularization to the post of Peon since he was so engaged by the management Bank against payment of lumpsum amount, for a considerable period.

7. On the other hand, Mr. Arvind Indwar, the authorized representative of the management Bank submitted that there was no regular appointment or engagement of the workman concerned since he was employed as a Part-time Sweeper in the Bank and since the Post of Peon was lying vacant, he was asked to cooperate to do some function of Peon till the vacancy for the post of Peon is filled up in usual course and the said request for cooperation was made to the workman concerned till the month of August, 2001 and since thereafter no occasion arose to the management Bank to seek such cooperation from the workman concerned to do some job of the Peon in addition to his usual work of a Part-time Sweeper. Mr. Indwar also admitted that such assistance from the side of the workman concerned to do such job, was compensated with payment of some amount which the authorized representative of the workman has stated earlier. It is also submitted that the workman concerned worked as a Part-time Sweeper and from that position how he can claim regularization to the post of Peon.

8. In answering the said submission from the side of the management Bank Mr. Chattopadhyay submitted that both the post of Peon-cum-Daftary and the Part-time Sweeper falls in the Category-IV service of the Bank and was being a Part-time Sweeper, the workman concerned, he has done some work of a Peon as an added job for some time, can well claim for his absorption or regularization to the post of Peon. In this context, Mr. Chattopadhyay relied upon some decision on getting those down-loaded from JUDIS.NIC.IN as being judgment dated 24-9-1987, 4-12-1987, 27-10-1987 and 12-8-1992 as reported in JT 1987 (4) 445, JT 1987 (4) 585, JT 1987 (4) 164 and JT 1992 (5) 179 and basing upon the said decisions wherein the Hon'ble Apex Court directed regularization of part-time or casual workers doing work for a pretty long time under an employer. But the position of law for regularization of a part-time/casual/daily-wage earner has been totally changed after a Constitutional Bench judgment in Secretary, State of Karnataka v. Umadevi case where the guideline and principle has been directed to be followed

by the Hon'ble Apex Court in respect of regularization of such a worker. So, the citations shown by Mr. Chatopadhyay, perhaps, are not applicable at the present stage.

9. Further, it is an admitted position that 'engagement' of the workman, Alope Santra to do the work of a Peon, as per version of the workman side was verbally done which the management side has stated to be a request for cooperation from the side of the workman and it was so done when the workman concerned was regularly doing the job of a Part-time Sweeper against remuneration. Even through the two posts, namely, Peon-cum-daftary and Part-time Sweeper comes within Category-IV of the management Bank, the nomenclature of the posts are specifically described with different types of jobs and in different situation. So, by working as a Part-time Sweeper, only on the basis of a limited period extra work by the workman concerned to do the job of the Peon as an added work to his usual duties, automatically does not create any right upon the workman concerned to claim his regularization to the post of Peon which then lying vacant due to retirement of erstwhile regular Peon retiring on superannuation. Perhaps, the management Bank could not have denied his application for consideration to the post of Peon when the management Bank would have published a notice for recruitment of candidate to such post through proper procedures followed by the Bank. Nowhere the workman concerned has stated that he had applied for the said post ever on the requirement by the management Bank in the filling up process though he could have drawn the sympathy of the management Bank for a preference in this respect provided he would have proved his eligibility for the same.

10. In my view the claim from the side of the workman has got no basis and only taking advantage for a limited period doing the job of a Peon being the added job over and above his regular job of Part-time Sweeper for which he has been engaged by the management Bank, the workman cannot claim directly for regularization to the post of Peon as it is made in the present case.

11. So, I find Shri Alope Santra, a Part-time Sweeper under the management Bank is not entitled for regularization as Peon at Birsinghampore Branch of the Punjab National Bank with effect from 1-1-2001 or from any time thereafter, in the vacancy caused by retirement of Shri Hare Krishna Mondal (named as Hare Hrishna Mondal in the schedule of reference) and he is not entitled to any relief. The present reference is thus disposed of with this negative note.

An Award is passed accordingly.

Dated, Kolkata,
the 2nd March, 2011

JUSTICE MANIK MOHAN SARKAR, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

Mumbai, the 31st January, 2011

का. आ. 998.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआई टी-2/27 ऑफ 2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2011 को प्राप्त हुआ था।

[सं. एल-31011/12/2005-आई आर(बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 998.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award PART-II (Ref. No. CGIT-2/27 of 2006) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 04-03-2011.

[No. L-31011/12/2005-IR(B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT:**

K.B. KATAKE, Presiding Officer

Reference No. CGIT-2/27 of 2006

Employers in relation to the Management of Mumbai Port Trust

The Chairman, Mumbai Port Trust,
Port Bhawan, Ballard Estate, Mumbai-400038

AND

Their Workman

The General Secretary, Mb. P.T. Mazdoor Sangh,
3-AB, Hashim Building, 1st Floor, 40, Veer Nariman Road, Fort, Mumbai-400001**APPEARANCE:**

For the Employer : Shri Umesh Nabar, Advocate

For the Workmen : Shri H.R. Singh, Advocate

AWARD

1. The Government of India, Ministry of Labour & Employment by its Order No. L-31011/12/2005-IR (B-II) dated 18-05-2006 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of Mumbai Port Trust in promoting the workmen from Sub-section Leader and Section Leader allegedly without having requisite qualification as required under Mumbai Port Trust (Recruitment, Seniority & Promotion) Regulations is justified? If not, what relief, the union i.e. Mumbai Port Trust Mazdoor Sangh is entitled to?”

2. Both the parties were served with notices. In response to the notice and Second Party Union appeared through its Representative and filed its statement of claim at Ex. 7. According to them the management of Mumbai Port Trust promoted 8 (eight) employees arbitrarily and without following the Regulations. They are (1) S/Shri S. S. Naik, (2) Andrew Pereira, (3) A.P. Sawant Desai, (4) S.S. Acharekar, (5) C.T. Thongire, (6) R.C. Braganza, (7) E.J. Kotian and (8) Sayyed Suleman. It amounts to unfair labour practice by giving promotions arbitrarily ignoring the Rules & Regulations and the eligible candidates. Therefore, the Union has raised industrial dispute before Labour Commissioner (Central). As matter could not be settled, the Labour Commissioner (Central) made a report to Central Government, Ministry of Labour & Employment. The Ministry of Labour & Employment sent the Reference to this Tribunal. The union herein has prayed to declare the promotion of the above 8 (eight) employees amount to unfair labour practice as it is arbitrary and without following the Rules & Regulations. They also pray to set aside their promotions and also pray for direction to MbPT to follow the due procedure and Rules & Regulations while giving promotion to the employees.

3. The First Party MbPT resisted the statement of claim vide its W.S. at Exh. 8. They denied all the allegations made in the statement of claim. They denied that the management has ignored the procedure or the Rules & Regulations. They denied that the promotion to the post of section leader and senior section leader in Port Fire Service was given arbitrarily. According to them they have followed the due procedure. They have also followed all the Rules & Regulations while giving promotion to the 8

(eight) workers. The attitude of the Second Party union is bias, therefore, they pray that the Reference be rejected.

4. The Second Party Union has filed its reply in Rejoinder at Ex. 9. They have repeated the same facts. They have given names of other 8 employees who are fit for promotion. Rest of the contents in the Rejoinder is the repetition of pleadings in statement of claim.

5. Following are the Issues framed by my Ld. Predecessor at Ex. 11. I record my findings thereon for the reasons to found.

Issues	Findings
1. Does union prove that promotion given to eight employees was ultra-vires and was done against the MbPT Employees Rules and Regulation ?	No
2. Is Union entitled for declaration as sought ?	No
3. What order ?	Reference stand rejected.

REASONS

6. **Issues No. 1 and 2 :** The Second Party Union has challenged the promotion given to 8 employees by the First Party Management. According to the Second Party Union the promotions were given without following the procedure and the Rules & Regulations prescribed therefor. According to the management they have followed the procedure prescribed for the purpose of giving promotions, they have also followed the Rules & Regulations while giving promotion to the 8 employees. The burden was on the Union to show that there was any unfair labour practice played by the management, as has been alleged. The burden was on them to show that any senior eligible candidate was sidetracked by the management. The Second Party Union did not lead any evidence to that effect. They have produced some Xerox copy on record. However, neither the office bearer nor witnesses remained present and lead any oral evidence. Burden was on Second Party Union. The Xerox copy produced with list Ex. 10 cannot be read in evidence as originals are not produced. On the other hand the First Party Company has pleaded in its written statement how they have selected the candidates and what procedure they have followed. The union has not lead any evidence to substantiate their claim that the eight employees were promoted illegally or without following procedure, therefor.

The office bearers of the union and their representative neither remained present nor lead any evidence in support of their claim. Thus I hold that the union failed to prove that promotion given to eight employees was either ultra-vires or illegal. Consequently I also hold that the union is not entitled to the declaration sought for. Accordingly I decide these issues nos. 1 and 2 in the negative and proceed to pass the following order :

ORDER

The reference stands rejected with no order as to costs.

K.B. KATAKE, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 999.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 28/2007) को प्रकशित करती है, जो केन्द्रीय सरकार को 04-3-2011 को प्राप्त हुआ था।

[सं. एल-12012/61/2007-आई आर(बी-11)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 999.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 28/2007) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the industrial dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 04-03-2011.

[No. L-12012/61/2007-IR(B-11)]

RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 28 of 2007

Parties : Employers in relation to the Management of
UCO Bank

And

Their workman

PRESENT :

Mr. Manik Mohan Sarkar, Presiding Officer

APPEARANCE :

On behalf of the Management : None

On behalf of the Workmen : None

State : West Bengal Industry : Banking

Dated : 21st February, 2011

AWARD

1. By Order No. L-12012/61/2007-IR(B-II) dated 23-08-2007 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of UCO Bank by relieving Shri Tapas Bandhyopadhyaya from the Bank's service w.e.f. 28-07-2003 is justified? If not, what relief the workman is entitled to ?”

2. On call today, none is present for the management. None is also present on behalf of the workman.

3. In the last order 16-12-2010, Ld. Advocate for the workman was present and submitted that even after repeated intimation to the workman concerned, he did not contact her till that date and practically she had no instruction from the workman concerned and naturally she expressed her desire to retire from the present reference to represent the workman and her prayer was accepted.

4. A fresh notice was directed to be issued to the workman concerned and it was so issued and the acknowledgment card was received back after due service upon the workman concerned on 29-12-2010. Even then the workman has not responded to the notice concerned. In that case, it is presumed that the workman concerned at whose instance the present reference has been made, expressed his no interest.

5. The issue in the reference shows that the workman concerned was relieved by the management Bank from the service of the Bank with effect from 28-07-2003 which was questioned as to be justified or not and thereafter the present reference was made in the year 2007. In the statement of claim of the workman it is found that the workman concerned alleged about termination of his service by the management Bank on the basis of his resignation letter which he could not recollect whether actually such event of submission of resignation letter at all happened from his side or not and subsequently submitted a letter for reinstatement in service which was rejected.

6. However, all these matters are subject to proof which the workman concerned failed to do by remaining absent on repeated dates and also by not responding to the repeated notices issued by this Tribunal. In that case, there is no way out but to presume that the industrial

dispute as alleged in this reference is not there at present and I do not find any reason to continue with the same which will be a futile effort and the present reference is disposed of as having no Industrial Dispute at present.

An Award is accordingly.

Dated, Kolkata,
21st February, 2011

MANIK MOHAN SARKAR, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 1000.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 203/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2011 को प्राप्त हुआ था।

[सं. एल-12012/26/98-आई आर(बी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 1000.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 203/2001) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 10-3-2011.

[No. L-12012/26/98-IR(B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BHUBANESHWAR**

PRESENT :

Shri J. Srivastava, Presiding Officer, C.G.I.T-cum-Labour Court, Bhubaneswar

Tr. Industrial Dispute Case No. 203/2001

Date of Passing Award 23rd February, 2011

BETWEEN :

The Management of the Zonal Manager,
UCO Bank, UCO Bank Building, C-2,
Ashok Nagar,
Bhubaneswar. . . 1st Party Management

AND

Their workman Shri Abhaya Barik,
Ex-Driver, C/o Braja Kishore Barik,
Mukundapur, PO Chandal,
Distt. Kendrapara,
Orissa ... 2nd Party Workman

APPEARANCES:

M/s. Somnath Mishra, : For the 1st Party-
Advocate Management

M/s. Satyabadi Mishra, : For the 2nd Party-
Advocate Workman

AWARD

1. The Government of India, Ministry of Labour has referred an industrial dispute existing between the employers in relation to the Management of UCO Bank and their workman in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 vide letter No. L-12012/26/98-1R (B-II), dated 29/30-12-1998 in respect of the matter specified in the schedule as quoted below :

“Whether the disputant Shri Abhaya Barik is a workman, UCO Bank, under the Industrial Disputes Act, 1947? If yes, whether the action of the management in terminating his services is legal and justified? If not, to what relief the said workman is entitled?”

2. The 2nd Party-workman in pursuance of the order of reference has filed his statement of claim alleging that he joined the service of the 1st Party-Management initially as a daily labourer, driver with effect from 17-12-1988 and continued till 28-3-1989. Subsequently he was engaged by the 1st Party-Management to drive the car No. WMB-2505 on regular remuneration with increments as prescribed by the Head Office but he was designated as personal driver of the Chief Manager of Bhubaneswar Main Branch of the 1st Party-Management. The above car belonged to the 1st Party-Management and wages to him were also paid by the 1st Party-Management. The disputant-workman continued in his employment till 26-6-1997 and on that date he was orally instructed by the 1st Party-Management to proceed to its Zonal Office at Bhubaneswar to hand over the car to Deputy Chief Officer with the understanding that his services were transferred to Zonal Office. He proceeded to the Zonal Office and handed-over the car as directed and continued reporting for duty at Zonal Office from 20-6-1997 to

1-7-1997. But to his utter surprise he was orally informed that his services were terminated from 1-7-1997. Thereafter he immediately on 1-7-1997 submitted a representation to the Zonal Manager for continuance of his service. When he heard nothing from the 1st Party-Management he raised an industrial dispute vide letter dated 5-7-1997 before the Asstt. Labour Commissioner (Central), Bhubaneswar and on failure of conciliation proceedings the dispute was referred to this Tribunal by the Government of India. During the long period of employment he discharged his duties with utmost satisfaction of the 1st Party-Management and he was issued certificates of good performance as a driver. He had received remuneration, bonus, dress allowance etc. from the 1st Party-Management which were debited to his personal S.B. Account from the account of the bank. He was retrenched from service without any notice or payment of compensation. He was never issued any charge-sheet nor any enquiry was conducted against him. Thus the termination of his service by the 1st Party-Management is illegal, unjustified and inoperative in law. Therefore order for reinstatement in service with full back wages and other service benefits be passed in his favour.

3. The 1st Party-Management has filed written statement in which it has stated that the present reference is incompetent and not maintainable as there is no relationship of employer and employee between the 1st Party-Management and the 2nd Party-workman. The 2nd Party-workman was the personal driver of the officer of the 1st Party-Bank and was provided with bank's vehicle and can by no stretch of imagination be held as a “workman”. As per Regulation 26 of the UCO Bank Officers Service Regulation, 1979 certain officers of the Bank have been provided with the facility of Bank's car for official purposes and those officers who do not know driving can be authorized to engaged personal drivers who are to be reimbursed by the Bank. Such drivers being in personal employment of the concerned officer, however, are provided with uniform, washing allowance, extra duty and out of station allowance, ex-gratia equivalent to one month's remuneration once in a year as per circular of the 1st Party-Management. Such drivers have no privity of contract between themselves and the UCO Bank-Management. All payments to the drivers engaged by the officers have to be made by the officers themselves and they have to claim reimbursement after incurring expenditure from the Bank against a declaration duly supported by vouchers. The 2nd Party-workman who

was engaged as a personal driver by the officers of the 1st Party-Management is not a "workman" under the 1st Party-Management as no appointment letter was issued to him and there was no termination of service by the 1st Party-Management. The 2nd Party-workman was paid for sometime directly by the 1st Party-Management to his account due to ignorance or wrong conception by the then officer of the bank and on this ground and 2nd Party-workman cannot claim himself a workman under the bank. Since the main branch of Bhubaneswar of the 1st Party-Management was re-categorized as Scale-III and the Chief Manager/Officiating Manager of that branch was no more eligible for the retention of the Bank's car, the personal driver of car No. WMB-2505 was advised to handover the car along with keys to the Zonal Office, Bhubaneswar. In this way the engagement of the 2nd Party-workman as a personal driver came to an end. Since the 2nd Party-workman was never issued any appointment letter nor his services were terminated by the 1st Party-Management, there is no industrial dispute between the parties and ex facie the reference is not maintainable. The wages and remuneration of the 2nd Party-workman were not paid by the 1st Party-Management. All such payments made to him were paid in the personal capacity by the designated officer. Any certificate issued by the officer of the bank in his personal capacity will not amount as certificate given by the Management itself. The question of giving notice of retrenchment and payment of compensation as per provisions of the Industrial Disputes Act does not arise since the 2nd Party-workman was the personal driver of the officer of the Bank and cannot be deemed to be a workman under Section 2(S) of the aforesaid Act. The Bank has not engaged and driver junior to the 2nd Party-workman as alleged by him. Therefore the 2nd Party-workman is not entitled to any relief.

4. Following issues were settled in view of the pleadings of the parties.

ISSUES

- (1) Whether the disputant Shri Abhaya Barik is a workman under the Industrial Disputes Act 1947?
- (2) Whether the termination of Shri Abhaya Barik by the Management is legal and justified?
- (3) To what relief the disputant is entitled?
- (4) Whether the reference is maintainable?

(5) The 2nd Party-workman has adduced evidence of himself as W.W. -1 and filed certain documents marked as Ext. -1 to 8. The 1st Party-Management has examined M.W. -1 Shri S.K. Tripathy and filed certain documents marked as Ext. -A to E/1.

FINDINGS

ISSUE No. I

6. The 1st Party-Management has contended that the disputant Shri Abhaya Barik is not a workman under the Industrial Disputes Act, 1947 as he was engaged as a Personal Driver of the officer of the 1st Party-Bank. There is no employer and employee relationship between the 1st Party-Management and the 2nd Party-disputant. Under Regulation 26 of the UCO Bank Officers Service Regulation, 1979 certain officers of the Bank have been provided with the facility of Bank's car for official purposes and those of the officers who do not know driving are authorized to engage a personal driver for the car whose remunerations are reimbursed by the Bank. Drivers so engaged are also provided with three sets of cotton uniform every year and one set of woolen uniform in every three years. They are also allowed washing allowance, ex-gratia duty and out station allowance and bonus by the Bank. They are also given increments and enhancement in remuneration from time to time by the Bank itself. On this basis it does not sound reasonable that the disputant or such type of drivers are said to be the personal drivers of the officers of the 1st Party-Management. The term personal driver has perhaps been devised to avoid the liabilities arising out of such employment by the Bank. Certain payments to the disputant had also been made admittedly by the 1st Party-Management by credit in his account running in the bank, though alleged to be made by mistake of the officers of the Bank. But that does not make any difference as ultimately all the payments to the disputant were made by the Bank itself either directly or through the officer of the Bank. The facility of providing car and driver to the officers not knowing driving has been extended by the Bank and therefore engaging a driver, though named as a personal driver, does not affect the right of such drivers bestowed under the provisions of Industrial Disputes Act, 1947. The definition of "workman" given under Section 2(s) of the aforesaid Act is wide enough to include all such persons under any colour of name engaged in the employment by an employer in connection with the work of the establishment as an industry. Therefore, it is held that the disputant Shri Abhaya Barik is a workman under

the Industrial Disputes Act, 1947. The issue is accordingly decided in favour of the 2nd Party-Workman.

ISSUE No. IV

7. The 1st Party-Management has challenged the maintainability of the reference on the ground that there is no employer and employee relationship between the 1st Party-Management and the 2nd Party-workman as the disputant-workman was the personal driver of the officer of the 1st Party-Bank. But it has been held in Issue No. I that the disputant Shri Abhaya Barik was a workman and in the employment of the 1st Party-Management, though named as the personal driver of the officer of the Bank. Therefore, it cannot be denied that the 2nd Party-workman was in the employment of the 1st Party-Management. It is worth consideration that the disputant-workman had not worked as driver with one officer of the Bank only, but had worked with five officers of the Bank who succeeded in office one by one. The personal driver loses employment when the officer engaging him relinquishes his office. There is no evidence that the 2nd Party-workman was every time engaged afresh by the new incumbent in office. The administrative Rules or Regulations cannot circumvent or set at naught the statutory provisions of law. In this view of the matter the reference is held to be maintainable and the issue is decided against the 1st Party-Management.

ISSUE No. II

8. The 2nd Party-workman has alleged that he was firstly engaged on 17-12-1988 as a casual labourer on daily wage basis to drive the jeep of the Bank in the Zonal Office and continued as such till 28-3-1989. Subsequently he was engaged on 29-5-1989 and sent to the Main branch of the Bank to drive Ambassador Car bearing No. WMB-2505 and drove the above car till 26-6-1997 under the Chief or Senior Manager of the Main branch. Later on, he was asked on 26-9-1997 to handover the above car to the Zonal office. He handedover the car to the Zonal Office and waited for five to six days for duty. On 1-7-1997 he was refused duty by the 1st Party-Management. In this way he had worked continuously under the 1st Party-Management from 17-12-1988 to 30-6-1997 and was paid his remuneration/salary by the officer of the Main Branch. He was not given any written order of disengagement. His work throughout was satisfactory and he was issued certificates of appreciation by the Branch Manager of the Bank. The plea of the 1st Party-Management is that since the Main branch of the Bank at Bhubaneswar was degraded and re-categorized as Scale-III branch and the

Chief Manager/Officiating Manager of the Main Branch was no more eligible for the retention of the bank's car, the car driven by the 2nd Party-workman bearing No. WMB-2505 was required to be disposed off. The 2nd Party-workman was accordingly advised to handover the car and keys to the Zonal Office, Bhubaneswar and it was ultimately disposed of. In this process the engagement of the 2nd Party-workman as a personal driver came to an end. This fact has also been reiterated in the evidence of the M.W.-I Shri S.K. Tripathy. This action of the 1st Party-Management with regard to the disengagement of the 2nd Party-workman without complying the provisions of Section 25-F of the Industrial Disputes Act cannot be said to be legal and justified as the 2nd Party-workman had nearly put in nine years continuous service. He was required to be given due notice of retrenchment by the 1st Party-Management and to be paid compensation as required under Section 25-F of the aforesaid Act. This issue is accordingly decided in favour of the 2nd Party-workman and against the 1st Party-Management and it is held that the termination of Shri Abhaya Barik by the 1st Party-Management is illegal and unjustified.

ISSUE No. III

9. It has been admitted by the 2nd Party-workman that he was not issued any letter of appointment nor he faced any interview for selection on the post of driver. His name was also not sponsored by the Employment Exchange. It means that he was not appointed in accordance with due process of selection. Therefore, he is not entitled for reinstatement, back wages and other service benefits, but he is surely entitled to the benefits available under Sections 25-F and 25-H of the Industrial Disputes Act, 1947. Since the 1st Party-Management has not given one month's prior notice in writing giving reasons for retrenchment nor paid any wages for the period of notice in lieu of such notice the 2nd Party-workman shall be paid one month's wages in lieu of notice and shall also be paid retrenchment compensation equivalent to 15 days average pay for every completed year of continuous service or any part thereof in excess of six months.

10. The 1st Party-Management is directed to comply with the award within a period of three months from the date of its publication.

11. The reference is answered accordingly.

Dictated & Corrected by me.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 1001.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 199/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2011 को प्राप्त हुआ था।

[सं. एल-12012/20/98-आई आर(बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 1001.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 199/98) of the Central Government Industrial Tribunal/Labour Court-2, Dhanbad now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 4-3-2011.

[No. L-12012/20/98-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

PRESENT:

Shri Kishori Ram, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 199 of 1998

PARTIES:

Employers in relation to the management of Central Bank of India, and their workman.

APPEARANCES:

On behalf of the workman : Shri Bijay Choudhary,
the concerned workman
himself.

On behalf of the employers : Mr. H. Nath, Advocate.

State : Jharkhand Industry : Banking

Dhanbad, the 7th February, 2011

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section

10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/20/98-IR (B-II), dated the 14 December, 1998.

SCHEDULE

“Whether the action of the management of Central Bank of India in terminating the services of Shri Bijay Choudhary without observing the provisions of Industrial Disputes Act is legal and justified? If not, to what relief the said workman is entitled?”

2. The pleaded case of the workman Bijay Choudhary is that he was originally appointed as a Peon on 5-10-1986 against permanent vacancy in the Central Bank of India at Lalpur Branch and accordingly continued his work from 7-5-1990 till his termination of his service with effect from 24-4-1991, he was not allowed to complete 240 days of attendance in a calendar year. Though he put in more than 240 days during the aforesaid period of his service, his service was orally terminated without any reason and in violation of mandatory provision under Section 25F of the I.D. Act, 1947, without affording him any opportunity to him. On his representation before the management against his illegal and arbitrary termination of his service, and waiting for a decision over it by the Headquarters as assured by the local management, the workman raised an industrial dispute before the ALC(C). Ranchi, before whom the management submitted in writing that his service was terminated because of his failure in the examination conducted by the management for the post of sub-staff and that during the aforesaid period of his service i.e. 17-5-1990 to 23-3-1991, the petitioner put 257 days attendance excluding holidays and Sundays. On the failure of the conciliation proceeding due to the adamant attitude of the management, hence the case was referred by the Ministry for adjudication. The action of the management was also pleaded as arbitrary, vindictive and anti-labour policy.

3. Further pleading of the workman is that even in case of his failure in the Written Test, his termination of service attracts Section 25F of the I.D. Act, 1947 and it cannot be the ground for termination of his service, because his appointment was not a condition precedent for his success in the alleged examination or test.

4. Whereas the case of the management as pleaded with the specific denial to the alleged facts of the workman is that workman—Bijay Choudhary was simply being engaged as a casual worker by their Lalpur Branch as per exigency of the management on daily basis/wages. Since his engagement was purely casual in nature, no question of termination of his Bank service exists. He did not complete his 240 days continuous service in a year, so he is not entitled for absorption in the Bank's services. Even then at this request, he was given a chance to appear in the Written Test for Sub-Staff which was held on

24-3-1991, but he failed in it. Hence, he is not entitled to any automatic absorption in Bank's services. There is no violation of any mandatory law of the Industrial Disputes Act, 1947. As such the claim of the workman being untenable is liable to be summarily rejected.

5. Further pleadings of the management is that the workman as a casual worker at Lalpur Branch put only 49 days attendance from 7-5-1990 to 15-8-1990 to perform general nature of job during the leave and sick vacancy of Class IV employee as per exigency of work. He also worked as a coolie for 55 days from 16-8-1990 to 27-10-1990 for miscellaneous job such as bringing water from water tap @ Re. 1 per bucket for water supply. The workman as a casual labour or a coolie could be a supplier of water as per agreement entered into both the parties.

FINDING WITH REASONS

6. In this case each party has produced single witness on his behalf in support of their respective cases. WW-1 is the workman himself Bijoy Chaudhury, whereas MW-1 is Niranjan Sinha, the then Manager of the Central Bank of India, Lalpur Branch, Ranchi.

Workman Bijoy Chaudhury as WW-1 in his statement has stated that he was engaged by the management of Lalpur Branch as Sub-Staff for the period 17-5-1990 to 23-3-1991, during which he continuously worked and put his attendance for more than 240 days. He denied to have periodically worked during the period from August, 1990 to 23rd March, 1991 as a Coolie under the said management. He was stopped from service without issuance of any chargesheet or payment of any compensation and his termination of his service by the management is alleged to be illegal. Though the workman claims to have submitted his appointment letter before the Tribunal, yet there is no proof of his appointment letter issued by the management.

Whereas on the other hand MW-1 Niranjan Sinha, as the then Manager of the Central Bank of India, Lalpur Branch, Ranchi has established that Mr. R. N. Jha, the then Branch Manager of Lalpur Branch in 1990 had died two months ago. According to him, no appointment letter was ever issued to the concerned workman to work under the management in any capacity, rather in fact, he periodically worked as Casual Worker from 17-5-1990 to 15-8-1990 i.e. for 49 days, and accordingly he worked as a coolie for 55 days from 16-8-1990 to 27-10-1990 1/2 (one and two) hours per day but periodically; as such he did not work as casual worker for 240 days in a year, and he was not an employee of the Bank so the termination of his service never arose. The witness proved the management letter dated 8-8-1997 as Ext. M-1, as a proof of the daily wage rateably paid to the workman through twenty payment vouchers which have been proved as Ext. M-2 series. The witness has proved the statement (Annexure)

dated 18-9-1997 as Ext. M-3 (on the part of the workman) which refers to the working of the workman for 153 days as water supplier during the period 1-8-1990 to 22-3-1991 @ Re. 1 per bucket in addition to his working as a casual worker and coolie for 49 and 55 days respectively for the aforesaid specified period. There was no agreement between both the parties for his engagement as a Coolie. The witness for the management has also proved the photo copy of three vouchers as Ex. W-1, which proves the payment of daily labour/Coolie charges Rs. 30 for each of the two days i.e. March 11 and 22, 1991 and Rs. 15 for March 12, 1991 respectively.

7. In the backdrop of the case, the pleas raised on behalf of the workman are such that 'If the employer withholds certain records exclusively in the possession of the employer and the workman may not be able to lay their hands upon and prove that they worked for requisite number of days, the adverse inference may be drawn [208 LLR 549 (HC) (DB) paras 13 and 16], that with reference to unfair labour practice the confidential circular directing the officers that workmen like the appellant should be engaged continuously but should as far as possible, be offered work on rotation basis and the case that the appellant is a badli worker, have to be characterised as unfair labour practice under Section 2(r)(a) Sch. V Item 10 of the I.D. Act, 1947. [reported in SCLJ (I) 601 (DB), H. D. Singh versus R.B.I. and others, para 11], that even a casual or seasonal workman who rendered continuous service for one year or more cannot be retrenched on the ground of unauthorised absence from duty without complying with the requisites of Section 25F [reported in 1982 SCC (I. & S.) : 124 (DB) : (1982) 1 SCC 645, L. Robert D. Souza versus Executive Engineer], and that even in case of oral order of termination of service and there was no compliance of Section 25F, the delinquent was entitled to reinstatement with full back wages [Reported in 1989 Lab. I.C. 623 (Pat) (DB), State Bank of India versus Union of India, paras 12 to 15].

8. Just contrary to the aforesaid contentions raised on behalf of the workman, the submissions made on behalf of the management are also worth considering in the context of the present case. Firstly the submission of the management is that the rule of equity in public employment is basic feature of our Constitution and if appointment is made flouting the rules, without proper competition amongst qualified persons, the same would not confer any right on the appointee. Assuming the appointment is contractual appointment or daily wage or casual basis, the same would come to an end when it is discontinued [reported in 2006 III LLJ Page 64 (SB), Mohan, D versus P.O. CGIT-cum-Labour Court, Chennai para 12], secondly that termination of employment of daily wage employee cannot give rise to an industrial dispute—such a person is not within the sweep of the Act and employer terminating the employment of daily wage is not required to follow

the provision of Section 25F, and is not required to serve notice any pay compensation etc. [2008 (1) B.B.C.J. Vol V 460 (DB), Sanjay Kumar Tewary versus State of Bihar para 7] and thirdly, that if without following the recruitment rules for public appointment any appointment either temporary, contractual, casual, daily wage or ad hoc has been made, then the High Court cannot direct to absorb or regularise the services of such appointee as reported in 2010 [2 JCR 36 (Jhar) (SB), Raj Kishore Banra versus State of Jharkhand para 3 to 6].

9. On the consideration of all the aforesaid rulings cited on behalf of the parties as contrasted with the factum of the present case I find that in the instant case the workman had no continuous service as a casual labour for requisite number of the days i.e. 240 days in a calendar year as defined under Section 25B of the I.D. Act. Moreover, the workman has failed to prove his appointment as a casual labour for the alleged period of his employment as he seemed to have worked as a casual labour, as a coolie and as a water supplier. In this way, none of the aforesaid authorities as referred to on behalf of the workman holds good with the factum and legal position of the case, rather the cited authorities on behalf of the management being consistent with the factum of the case appear to be more persuasive and plausible.

10. Under these circumstances, I find and hold that workman Bijoy Choudhury is not entitled to any relief whatsoever, and the action of the management of the Central Bank of India in terminating his service without observing the provisions of Industrial Act is quite legal and justified.

KISHORI RAM, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 1002.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार युनाइटेड बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 29/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2011 को प्राप्त हुआ था।

[सं. एल-12011/79/2006-आई आर(बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 1002.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 29/2006) of the Central Government Industrial Tribunal/Labour Court, Kolkata, now as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of United Bank of India and their workman, which was received by the Central Government on 4-3-2011.

[No. L-12011/79/2006-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 29 of 2006

PARTIES:

Employers in relation to the management of United Bank of India

AND

Their workmen

PRESENT:

Mr. Justice Manik Mohan Sarkar, Presiding Officer

APPEARANCE:

On behalf of the Management : Mr. Sutirtha Das, Advocate

On behalf of the Workmen : Mr. Dalip Kumar Roy, Advocate

STATE : West Bengal.

INDUSTRY : Banking

Dated, the 24th February, 2011

AWARD

By Order No. L-12011/79/2006-IR (B-II) dated 14-11-2006 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the demand made by the United Bank of India Sramik Karmachari Samiti for posting of Shri Mrinal Chowdhury to his native place on medical grounds is justified? If not, what relief the concerned workman is entitled to?”

2. The workmen union stated in its statement of claim that the workman concerned is posted at Bagnan Branch of the management Bank and is a cardiac patient, undergone with a open heart surgery in September, 1994 at B. M. Birla Heart Research Center for replacement of two valves. He was promoted from subordinate cadre to clerical cadre under quota for physically handicapped persons and was transferred to Midnapore as relieving C.C.G. and then was transferred to Bagnan Branch under Hoogly Region with effect from 19-8-2002 as C.C.G. Shri Chowdhury, the concerned workman made many

representation to the management on 4-1-2002, 19-8-2002, 30-7-2003, 3-3-2004 and 20-6-2005 with due recommendation and forwarding note by the Manager of Bagnan Branch for consideration of his transfer to the nearest branch of his home town at Kadamtala, Howrah purely on medical grounds as certified by the attending cardiologist of B. M. Pirla Heart Research Center in view of the guidelines given under Govt. of India, Ministry of Finance, DEA (Banking Division) reference No. 302/33/2/87-SCT (B) dated 15-2-1988 and in view of the bipartite settlement dated 19-10-1966 with regarding to posting of physically handicapped employees, as far as possible, near their native place. Though similar prayer of two other employees, namely, Shri Tapan Sarkar and Smt. Bharati Hazra have been considered for their respective transfer and posting around their native places on compassionate medical grounds, the prayer of the workman concerned has not been considered. It is further submitted that an option prayer under "Option transfer" scheme which remains valid for two years, for considering his posting on compassionate ground, was made by the workman concerned, but the same also was not acceded to on the plea of non-existence of vacancies at branches at Howrah/ Kolkata. Since the management of the Bank had already given posting to more than hundred C.C.Gs/Clerks in various branches in Kolkata and Howrah during the period 2003 and 2005 and so the workman concerned claimed that he has fallen a victim of discrimination despite having bonafide ground for consideration. It is also submitted on behalf of the workman concerned that since his posting firstly in Midnapore Region and Bagnan branch of Hooghly Region the workman concerned had to commute to such long distance from his residence due to unavoidable family circumstances and since he has pacemaker, he had fallen ill many a times under high tension electricity lines on the railway track, which was advised to be avoided by the cardiologist treating him.

3. In their written statement the management Bank denied all the allegations made by the workmen union in the statement of claim and claimed that the present purported reference is highly misconceived and not maintainable in law as it was termed in a mechanical and routine way without application of mind and it is also not maintainable as the "claim for posting to the native place" is not a subject matter having no place in the Industrial Disputes Act, 1947. It is also claimed that the Bank itself being 'United Bank of India' has not been made a party in the present reference and in its absence, no proper and effective adjudication can be made. The management Bank has denied the claim of the workman that he was promoted from subordinate cadre to clerical cadre under the quota for physically handicapped persons, but it was so done in the normal process and was posted temporarily as relieving C.C.G. at the Bank's South Regional Office at Tamluk and thereafter in consideration of his regular posting on

promotion, the management issued order No. 91/2002 dated May 27, 2002 posting the workman as C.C.G. at Bagnan branch within his home district Howrah under the Bank's Hooghly Regional Office. The workman, Shri Chowdhury appeared for promotion test as per Clause 2.3 of the Circular No. PA(AS)-PLOM (CLK)/12/M-79/2001 dated May 18, 2001 and it is specifically provided that a subordinate employee promoted to clerical cadre may be posted anywhere within the same state and he accepted such terms for promotion and he should be equitably estopped from praying for posting to a place of his choice. It is also claimed by the management Bank that the workman cannot claim posting on promotion to a place of his choice as a matter of right. However, his case was considered sympathetically and he was posted in a branch within his home district, Howrah. It is further submitted that there are surplus clerical staff in C.C.A. area of Kolkata and Howrah and Bank cannot afford more clerical staff in such area and there is acute shortage of staff in non C.C.A. areas of West Bengal deepening the crisis of manning the branches and rendering better customer services. It is further stated that no other posting nearer to his native place could be given by the Bank within the C.C.A. area of Howrah District. The statement concluded with the denial from the side of the management Bank that the Bank has already given posting to more than hundred CCG's/Clerks in various branches at Kolkata and Howrah though the Bank has transferred its several employees on rotation from one branch to another within the CCA areas of Kolkata and Howrah to obviate development of unhealthy nexus between the employees and customers to maintain its integrity as a financial institution.

4. A rejoinder has been filed by the workman concerned by denying the statements made by the management Bank in its usual process.

5. It is normal practice of service of employees having provision of transfer from one place to another in the offices of the employer in different places, and in such service condition a transfer to a particular place cannot be claimed as a matter of right by an employee. Representation with a request or prayer can be made by the employee to the employer for a transfer and if it is considered then it is a matter of discretion on the part of the employer and if it is not so done, the employee cannot express his grievances against such rejection of the representation.

6. In the present case, admittedly, there was a transfer of the workman concerned to Bagnan considering his representation for a transfer. It is argued on behalf of the management Bank that the workman's representation was considered by posting him at Bagnan, a place within the district of Howrah being the native place of the workman concerned. But, in this context, it has not been denied by the management Bank about the claim of the workman concerned that he is a resident of Kadamtala in Howrah

and Bagnan is a town at the outskirt place of Howrah district neighboring East Midnapore. The management Bank has not denied that Bagnan is about 50/60 kms. away from Howrah city one way.

7. To start with para wise submission, argument by the learned Advocate for the management may be taken up first since the management side tried to hit at the root of the present reference by claiming that it cannot be maintained without impleading the Bank itself as a party and the reference suffers the defect of non-joinder of party and it can be cured only by impleading the Bank, "United Bank of India" as a party in the present matter. In this context reliance has been made on the judgment reported in (2003) 3 S.C.C. 472 wherein it has been observed by the Hon'ble Apex Court that in any suit or proceeding by or against the Government, State concerned is a necessary party in a dispute relating to property of the State and so State must be impleaded in the suit or proceeding. On going through the said judgment it is found that the said order was made by the Hon'ble Apex Court in civil jurisdiction involving right to property belonging to the State. But, in the present matter the dispute is otherwise than of a civil nature since the Bank is treated here as an 'industry' and the aggrieved person or employee of the Bank concerned is a 'workman' as defined in the Industrial Disputes Act, 1947. In the written statement the management nowhere it is stated that the officer in the order of reference is not competent to comply with the order in the Award, if passed against it favouring the workman. It has already been discussed in the earlier paragraphs that since a claim for transfer in service cannot be enforced as a matter of right by an employee, in the present reference, it is not a question to decide whether the act of the management in respect of posting of the workman was justified or not. But, in the present reference so framed is to decide whether the claim made on behalf of the workman for posting him to his native place on medical ground was justified or not. The issue nowhere includes anything to be decided whether such claim of the workman concerned was legal or not. A legal right gives a person claiming it a force provided in some statute, rule or regulation or a settlement but if anything to be decided as justified, the question of promulgation of such claim does not become a statutory force. So, the plea of the Bank is not a party here, does not make the present reference as not maintainable. In other words, it can well be maintained to find that whether such claim can be entertained from the side of the workmen concerned as it is a one way traffic at the outset.

8. Next we find that the learned Advocate for the management Bank submitted that the workman based his claim on the basis of some administrative circulars issued by different authorities and it is claimed that such administrative orders are not subject to be enforced in the

court of law. It is submitted that, however, the Bank has tried to accommodate the workman concerned balancing the hardship of the workman concerned and the exigencies and requirements of the Bank and also to make a balance in between the surplus staff in CCA areas at Kolkata and Howrah and shortage of clerical staff in non-CCA areas of West Bengal, posted the workman in his home district of Howrah at Bagnan. Mr. Das, Ld. Advocate for the management submitted that the workman concerned had made a representation to post him in his native place by stating that he is a resident of Howrah and made such representation to consider the matter sympathetically since he is a handicapped person being cardiac patient having undergone cardiac surgery and he is under periodical observation of cardiac surgeon in Kolkata. At this stage, may I have the opportunity to explain what "native place" actually mean in the context of the person claiming a native of a particular city or town or village. In the Oxford Dictionary, native has been described as "A person born in a specified place or associated with the place by birth or a local inhabitant". In other words, it can be safely taken that a person is a native of a particular place where he is associated with either for long time or since his birth. In doing so a person cannot be stated a native of the entire district. Further, In BLACK Dictionary native has been stated "A person who is a citizen of a particular place, region or nation by virtue of having been born there" and it has been specifically stated that "A person whose national original derives from having been born within a particular place". So, when a person is stated to be a native of a particular place, he should be treated as a person belonging to a specific place and not to an entire region. The explanation of native given by the management has nothing but an interpretation made by the management in its own way.

9. The management has stated that the representation made by the workman concerned was considered and from his posting at Tamluk in another region, he was brought to Bagnan in consideration of his representation to bring him within his district. In this context, one argument was made by the Learned Advocate for the workman that since the workman is posted at Bagnan, he is to commute daily by rail to Bagnan covering a distance of 50 to 60 kms. One way and thereby he is subjected to unnecessary strain which he cannot sustain as a normal person as the workman is a cardiac patient, undergone cardiac surgery sometimes back and he has been provided with pacemaker in his chest. It is submitted by the Ld. Advocate for the workman that the transfer of the workman concerned does not show sympathy from side of the management, but it was an apathy on its side. Mr. Das, Ld. Advocate for the management Bank submitted that in that case the workman may well stay at Bagnan itself to attend his office in the Bagnan Branch of the Bank.

10. In consideration of the submission made by the respective parties, it is found that the learned Advocate for the management Bank tried to impress upon the Tribunal that in consideration of the representation made by the workman for transferring him to his native place, proper sympathy was shown to him by posting him on transfer to the Bagnan Branch of the Bank which is within Howrah district, and claimed the said place being within the native district of the workman concerned. On going through the provisions made in Clause 20.17 of the Bipartite Settlement dated 19-10-1966, in between the banking companies and their workmen, it is found that a provision has been made for sympathetic consideration of request by the employee for transfer on compassionate ground and not to reject the same only on the ground that he will have to be paid emoluments of higher rates. A reference also be made to the Government circular in the form of a letter from the Government of India, Ministry of Finance in its letter No. 302/33/2/87-SCT (A) dated 15-2-1988 (Exhibit W-17) wherein it has also been provided that when transfer of physically handicapped employee becomes inevitable on promotion it should be ensured that such employees are kept nearest to their original place of posting and in any case are not transferred to far off or remote places. Perhaps the management Bank tried to impress that the representation by the workman in the present case was not denied and by posting him at Bagnan Branch, the management considered his representation with sympathy and thereby the above referred provisions have not been overlooked. Learned Advocate for the management Bank also tried to suggest the workman concerned in course of his argument that he should find a residence at Bagnan to avoid strenuous journey from Howrah commuting all the way to attend his duty at Bagnan daily. In my view, in place of showing sympathy to the workman concerned, the management rather showed its apathy towards him by posting him at Bagnan in Howrah district. The management Bank has never denied that the workman concerned is a handicapped person as it is so claimed and in support of the same the workman has produced several medical documents in the present reference which he has stated to have supplied to the management Bank for consideration of his written representation for posting him to his native place. I think in posting the workman at Bagnan, the management remained satisfied that it has considered the representation of the workman with full sympathy by treating the entire Howrah district as his native place. Thereby the management Bank actually ignored the suggestion or guidelines made by the Government of India, Ministry of Finance in their letter No. 302/33/2/87-SCT (A) dated 15-2-1988 (Exhibit W-17) where transfer to far off and remote places is advised to be avoided in consideration of the representation made by the physically handicapped employee whose transfer become inevitable on promotion and also the Clause 20.17 of the Bipartite Settlement in which the management was a

party. If sympathetic consideration of the representation made by the present workman while he was posted at Tamluk, was to be considered by the management Bank sympathetically, he should not be advised to stay at Bagnan to avoid strain of daily commuting from Howrah city to attend his duty at Bagnan. If the situation means so in view of his posting at Bagnan, that could have been done while he was posted at Tamluk Branch of the management Bank and why the workman concerned pray for has posting in an around his native place, definitely the city of Howrah and not the entire district of Howrah. By posting the workman at Bagnan the management Bank rather has punished him since Bagnan may not be a far off from Tamluk and the workman concerned was put to more strain in attending duty at Bagnan from his native place at Howrah city

11. In my view, the management Bank actually did not consider the representation of the workman concerned sympathetically but it may be treated as a consideration minus sympathy.

12. Again, I will repeat that the representation made by the workman in the present matter can never be enforced as a right, but it may be treated as request from the side of the workman. From management side, consideration of such representation as a matter of discretion on the part of the Bank concerned as being the employee but even then, in the matter of such consideration, the management Bank should have followed the provisions made in the Bipartite Settlement in this context and also the office circular made from the Ministry of Finance, Government of India as referred earlier. However, these two provisions do not create any right to be enforced but it creates some guidelines how a representation for transfer to his native place by a worker on handicapped ground should be handled and disposed of. If it is not so done, it can be termed as an unjustified act on the part of the management though this tribunal will never say that the demand made on behalf of the workman concerned should be enforced.

13. In reference to all the discussions made above. I am of the view that all the exhibited documents in respect of the treatment of the workman concerned under a cardiac surgeon, it may be safely held that he may be treated as a handicapped person and on the basis of Clause 20.17 of the bipartite settlement dated 19-10-1966 as well as the office letter/circular from the Ministry of Finance, Government of India, the representation of the workman concerned for transfer on handicapped ground is justified though this Tribunal does not endorse that the word "demand" as stated in the schedule of reference as justified since the workman cannot demand or claim a transfer, but at best, can make a request for the same and leave the matter at the discretion of his employer. Though it is viewed that a request for transfer is justified but not a demand for the same, no relief specifically is awarded.

14. So, the matter is disposed of with above observation and let an Award be passed accordingly.

Dated : Kolkata,
the 24th February, 2011

Justice MANIK MOHAN SARKAR, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 1003.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 23/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2011 को प्राप्त हुआ था।

[सं. एल-12011/105/2009-आई आर (बी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 1003.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2010) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 4-3-2011.

[No. L-12011/105/2009-IR (B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 23 of 2010

PARTIES :

Employers in relation to the management of Bank of Maharashtra, Kolkata Region.

AND

Their workman

PRESENT :

Mr. Justice Manik Mohan Sarkar, Presiding Officer

APPEARANCE :

On behalf of the Management : Ms. Priyanka
Saikia, Manager
(HR)

On behalf of the Workman : Mr. Subir Kumar
Das, Organising
Secretary of the
workman union

State : West Bengal

Industry : Banking

Dated, the 23rd February, 2011

AWARD

By Order No. L-12011/105/2009-IR (B-II) dated 2-2-2010 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bank of Maharashtra in respect of its Regional Office, Kolkata, in abolishing the post of HC-A at N. S. Road branch and transferring the existing incumbent Shri Kishore Chowdhury to Jadhavpur Branch treating him an ordinary clerk and also relieving him from his duties at N. S. Road Branch during pendency of conciliation proceeding, is legal and justified ? What relief Shri Kishore Chowdhury is entitled for ? ”

2. On call of the matter today, one application has been filed on behalf of the workmen union stating about the settlement of the dispute in the present reference in between the workmen union and the management Bank outside the court and also praying for a leave to withdraw the present reference in view of the said settlement and to dispose of the present matter. The maker of this application Mr. Subir Kumar Das, organising Secretary of the workman union, the authorized representative of the workman union has submitted that the matter has been settled out of court and for that reason the workmen union does not want to proceed with the matter any more. Since the present reference has come from the Ministry of Labour, Government of India, a formal order for withdrawal cannot be entertained.

3. However, since the workmen union expressed its desire not to proceed in the matter any more in view of the non-existence of any dispute at present as there has been a settlement of the dispute in between the parties outside the court. In view of the same the present reference is disposed of with the presumption of no existence of any industrial dispute at present in view of the settlement in between the parties and an Award accordingly is passed.

Dated, Kolkata,
the 23rd February, 2011

Justice MANIK MOHAN SARKAR, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 1004.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निम्नित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 19/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2011 को प्राप्त हुआ था।

[सं. ११ 120.2/72/2002-आई आर(बी-11)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2011

S.O. 1004.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indian Overseas Bank and their workman, which was received by the Central Government on 10-3-2011.

[No. L-12012/72/2002-IR(B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 3rd March, 2011

Present :

A. N. Janardanan, Presiding Officer

Industrial Dispute No. 19/2009

[In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Overseas Bank and their Workman]

BETWEEN

Sri A. Velayudham : 1st Party/Petitioner

Vs.

The Chairman and Managing : 2nd Party/Respondent
Director Indian Overseas Bank,
Anna Salai,
Chennai-2

APPEARANCES:

For the 1st Party/Petitioner : Sri K.V. Krishnaswami
and S. Sulakshana,
Authorized Representative

For the 2nd Party/Management : M/s NGR Prasad,
Advocates

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/72/2002-IR (B-II) dated 23-12-2008 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the claim of Sri A. Velayudham, Casual Workman for appointment and regularization in the Indian Overseas Bank w.e.f. 3-4-1995 is legal and justified? What relief the concerned workman is entitled to?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 19/2009 and issued notices to both sides. Petitioner appeared through his representative and the Respondent through his Counsel and filed Claim, Counter, Additional Claim, Additional Counter and Rejoinder Statements as the case may be.

3. The averments in the Claim Statement bereft of unnecessary details are as follows :

Petitioner was appointed as a Casual Messenger in the South Indian Bank (Tirunelveli) at Panpozhi Branch as per order dated 10-2-1982 in a leave vacancy. The bank was renamed as Bank of Tamil Nadu in which also he worked in leave vacancies. The renamed Bank of Tamil Nadu stood amalgamated with Indian Overseas Bank, the Respondent on 20-2-1990. As per the scheme of amalgamation all the employees of erstwhile Bank of Tamil Nadu shall be deemed to have been appointed by Indian Overseas Bank. Petitioner had been continuously working as Casual Messenger under the Respondent at Sencottai Branch since 20-2-1990. While his demand for permanency stood recommended by the Illangi Branch Manager on 30-3-1995, on 3-4-1995 he was abruptly terminated for no reason allegedly under Head Office instructions. His last drawn salary was Rs. 40 per day. He studied upto SSLC. As per order of High Court of Madras the reference is caused to be made on the failure of conciliation in the raised dispute culminating in a failure report. He has 8 years of service as Casual Employee with 5 years continuous service entitling him for permanent service. One S. Ganesan and G. Ramesh and many persons have

been appointed as Messengers in his place depriving his rights who are still continuing. The illegal termination is to be set aside and he be reinstated.

4. Counter Statement contentions bereft of unnecessary details are as follows :

Admittedly petitioner was a Casual Messenger in leave vacancies. Name of the petitioner was not found in the rolls of Bank of Tamil Nadu for any obligation on this Management to absorb him. Petitioner's name was not sponsored by Employment Exchange. Recruitment of temporary messengers is governed by Govt. of India guidelines. He should be interviewed and empanelled for appointment. He cannot seek employment bypassing recruitment guidelines for a backdoor entry. His request for absorption under the Staff Son Category also cannot be considered since he is over aged, his date of birth being 21-10-1966. There was no vacancy or sanctioned post for his recommended regularization. Uma Devi's case (2006-4-SCC-1) is applicable to him. Noticing the engagement of petitioner as Casual his services were dispensed with. His Writ Petition was also dismissed by the High Court. His request for reinstatement was duly refused on 14-9-2001. Allegations that one S. Ganesan and another have been appointed in his place are vague and require to be elucidated by the petitioner. Claim of the petitioner is barred by resjudicata in view of the Writ Order of the High Court. The claim is to be dismissed.

5. Additional Claim Statement averments in a nutshell are as follows :

In the original reference it was wrongly mentioned as "appointment and regularization" instead of "reinstatement". Hence the reference was sought to be amended accordingly which having not been effected by Government on a motion before the High Court it was directed that the Tribunal can construe the reference as one that for reinstatement as the dispute arose out of non-employment only. It is prayed for accordingly.

6. Additional Counter Statement contentions are only a repetition of the averments in the Counter Statement.

7. The Rejoinder Statement averments in a nutshell are as follows :

Petitioner has been requesting only for reinstatement throughout.

8. Points for consideration are :

- (i) Whether the claim of the petitioner for "appointment and regularization" to be modified as claim for "reinstatement" into service of the Indian Overseas Bank is legal and justified ?

- (ii) To what relief the concerned workman is entitled ?

9. As per order dated 19-1-2010 in WP No. 688/2010 filed by the petitioner for a direction to the Ministry of Labour and Employment to amend the schedule in the order of reference dated 23-12-2008 originally made by substituting "reinstatement" in the place of "appointment and regularization" it was observed and directed by the High Court of Madras that :

"there is no difficulty for the Tribunal to adjudicate such a reference, since the reference arose out of the non-employment of the petitioner. Though under Section 10(4) of the ID Act, the Tribunal shall confine its adjudication to the points referred and the matters incidental thereto, it is not as if the Tribunals cannot read the real intention of the lis between the parties as answering a reference".

"5. It has been held in Minimax Vs. Its Workers reported in 1968-1-LLJ-369 that an order of reference hastily drawn in a casual manner often gives rise to unnecessary disputes and thereby prolongs the life of industrial adjudication which must be avoided. But, however, the Court struck a note of caution by stating that the Courts must attempt to construe the reference not too technically or in a pedantic manner but fairly and reasonably".

"7. Further, the Supreme Court in Delhi Cloth and General Mills Vs. Its Workman reported in AIR-1967-SC-469 has held that "the tribunal must look to the pleadings of the parties to find out the exact nature of the disputes because in most cases the order of reference is so cryptic that it is impossible to cull out there from the various points about which the parties were at variance leading to the trouble".

10. The evidence consists of the oral evidence of WW1 and Exts. W1 to Ex. W10 on the petitioner's side and that of MW1 and Exts. M1 to Ex. M8 on the Respondent's side

Points (i) and (ii) :

11. Both sides filed written arguments as well as addressed oral arguments. Perused the evidence documents and written arguments. The arguments advanced on behalf of the petitioner are that it is not disputed that petitioner has been engaged on a casual basis. The non-inclusion of his name in the rolls therefore cannot be material and cannot be disadvantageous to him. Petitioner cannot be found over aged as on 20-2-1990, he being only 24 years of age as on the date. For unskilled workers the Employment Exchange (Compulsory Notification of Vacancies) Act provisions are not mandatory and for their engagement sponsoring through Employment Exchange is not necessary. As per the amalgamation scheme evidently all the employees of the

erstwhile Bank are to continue or deemed to have been appointed under IOB as is also seen admitted by MW1, Witness for the Respondent. He is terminated orally for no valid reason without notice. The alleged reason is that his name is not in the rolls whereas in fact no list of such employees has been furnished at the time of amalgamation as deposed to by MW1. That the petitioner is over aged could be found to be belied by Ex. W7, School Leaving Certificate as per which his Date of Birth is 21-1-1966 which according to Respondent is 21-10-1966. As per Ex. M1 norms for recruitment maximum age for recruitment is 26 years with a relaxation of 3 years of OBC to which community petitioner belongs. Overage cannot be a ground for declining absorption. He has not been paid compensation too violating Section 25F of the ID Act.

12. On behalf of the Respondent the convassed contentions are that petitioner was not an employee of IOB. His name is not included in the roll which provides name of only permanent employees. Petitioner happened to be continued to be engaged until a circular to the contra was issued by 3-4-1995. He was not sponsored through the Employment Exchange. Petitioner is now aged 44 years.

13. It is no more an axe to grind that petitioner stood engaged, though as a Casual Messenger. That his name did not find included in the list of employees in the scheme of amalgamation cannot be a reason to place him in a disadvantageous situation. Though he was a Casual appropriate consideration should have been weighed with the Management as to how he should have been dealt with. Instead of that the Management opted out to disengage him to gross violation of Section 25F of the ID Act without notice or any compensation. For recruitment of unskilled workers like messenger it is not obligatory that a candidate should be sponsored through Employment Exchange. Though evidently he was appointed not by an Appointment Order and he was being permitted to join the erstwhile South Indian Bank (Tirunelveli), a private bank it is not to be invariably reckoned as a backdoor entry. The initial engagement of petitioner in the erstwhile private bank in continuation of which he worked under the Respondent Bank cannot at all be a reason to hold that if petitioner is absorbed it will be against the recruitment norms or guidelines. It is pertinent to note that petitioner's service commenced in a private bank, to which the guidelines of the Respondent bank were not applicable. Whatever be the mode of the commencement of his service, not assailed as a backdoor entry by depicting the manner of selection, appointment, etc. as being illegal or irregular, the engagement of the petitioner is not to be assailed as a backdoor entry. The engagement of the petitioner under the Respondent in continuation of the initial employment is not to be allowed to be missed to him except in accordance with the procedure as laid down under Section 25F of the ID Act. The workman once engaged as early as from 10-2-1982 in

the erstwhile bank supervened to continue to be engaged until he was illegally terminated. That the petitioner has been over aged is disproved from the evidence adduced in relation to his age. Again that he was not sponsored through Employment Exchange cannot attach any stigma to his engagement for not being considered for continuance of engagement with chance of his being regularized. When inasmuch as his engagement as Messenger on casual basis had been continuously for a number of years, say for 5 or 8 years, the fact that his name did not find a place in the rolls in the list of amalgamation scheme indicates that he suffered indignation or insult willful or negligent as being a mediocre personnel to be included in the list. This adds insult to his injury suffered due to his casual nature of employment with mean and meagre salary of Rs. 40 a day. Actually it is not proved whether there is any list of employees furnished. The only thing that appears is not whether there has been a list or not the petitioner stood left out of consideration at the time of amalgamation. However, it is not disputed that petitioner has been engaged under the Respondent. It is also not disputed that petitioner was ordered to be terminated by the Respondent. But how it was done is violating S. 25(F) of ID Act.

14. Petitioner is only to be reinstated and absorbed in any vacancy. Decision of the Apex Court in Uma Devi's case is not one providing a total embargo to regularization of employees who were subject to Section 30 of the ID Act. While a workman would have been engaged due to exigencies of the department to reap benefits of his efforts and allowed to be engaged continuously for years, say 5 or 8 years and thereafter abruptly causing a cessation of his employment under the pretext of some norms or rules carving out no exceptions in appropriate cases as in this case, is totally unjust, unfair and is nothing short of unfair labour practice. Every dispensation of justice has to be assured to be done by seeing that wherever reasonable and probable exceptions to the enforcement of a given rule or norm, available are fairly thought of being extended to him so that the decision does not entail in a failure of justice. It is not every engagement made not through a recruitment process or under the rules or norms that has to be ill-described as a backdoor entry. It is especially so in the case of petitioner whose engagement was in a private bank in which he had his debut in service. The decision of the Apex Court in Uma Devi's case also makes mention of contingencies upon which an engagement made apparently not through that structured procedure is still to be protected by regularizing or absorbing the incumbent as a one-time measure by which cases pending regularization could have been considered and decided. To the case on hand the said consideration was not bestowed which is to the peril of the petitioner. In the case of petitioner his career commenced in the erstwhile private bank, progressed and continued under the Respondent Bank and thereby blossoming his right to such dimensions

that the Management could not escape his reinstatement and regularization conferred on him in aid of recruitment guidelines, perse, not applicable to the petitioner. The decision of the High Court of Kerala in Station Manager, Indian Airlines, Cochin Vs. Mr. C. T. Sebastian Chalayil House, Kathurukadavu, Kochi dated 7-4-1989 rendered by Kum. Justice M. Fathima Beevi, Judge, High Court of Kerala (as she then was) and that of Justice K. S. Paripoornan, Judge, High Court of Kerala (as he then was) in WA No. 534/1989 dated 5-7-1990 are not applicable to the facts of this case. Here the dispute discernibly centres round petitioner's reinstatement and regularization. Hence the focus of adjudication has to be really on the said question.

15. In view of the above discussion the case of the petitioner could be discerned as one in which he is entitled to be reinstated into service forthwith with back wages, continuity of service and all attendant benefits followed by regularization. It is ordered accordingly. The Respondent is directed to comply with the order forthwith.

16. Thus the reference is answered accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 3rd March, 2011)

A. N. JANARDANAN, Presiding Officer

Witnessed Examined :

For the 1st Party/Petitioner : WW1, Sri A. Velayudham

For the 2nd Party/Management : MW1, Smt. R. Mahalakshmi

Documents Marked :

On the Petitioner's side

Ex. No.	Date	Description
Ex. W1	15-2-1996	Notice to the 2nd Party/Respondent
Ex. W2	26-2-1993	Letter from IOB Sencottai Branch to the Central Office
Ex. W3	Nil	Letter from Central Office to the Sencottai Branch No. Pad/178/Casual Labour/Sub/3
Ex. W4	22-2-1997	Letter from Sencottai Branch to the Central Office
Ex. W5	30-3-1995	Letter from Illangi Branch to AGM Central Office
Ex. W6	22-1-1996	Letter from 1st Party/Petitioner to the Chairman and M.D.I.O.B. of IOB

Ex. No.	Date	Description
Ex. W7	Nil	School Leaving Certificate of the 1st Party/Petitioner
Ex. W8	15-6-2009	Letter from 1st Party/Petitioner to the Secretary to Government of India, Ministry of Labour

On the Management's side

Ex. No.	Date	Description
Ex. M1	—	Norms for engaging messengers
Ex. M2	5-4-1990	Respondent Central Office letter to the Regional Office, Tirunelveli
Ex. M3	30-3-1993	Internal Correspondence of Respondent
Ex. M4	10-4-1995	Deputy Chief Office letter to Regional Office, Tirunelveli
Ex. M5	21-11-1998	Circular letter to Regional Offices
Ex. M6	19-6-2001	Order passed in WP No. 4283 of 1996
Ex. M7	14-9-2001	Respondent letter to the petitioner
Ex. M8	24-2-2005	Circular letter to Regional Offices

नई दिल्ली, 16 मार्च, 2011

का. आ. 1005.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 45/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-2011 को प्राप्त हुआ था।

[सं. एल-42011/27/2010-आई आर (डी यू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 16th March, 2011

S.O. 1005.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 45/2010) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of CPWD, and their workman, which was received by the Central Government on 16-3-2011

[No. L-42011/27/2010-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT NO. 1, KARKARDOOMA
COURTS COMPLEX, DELHI****I.D. No. 45/2010**

Shri Prem Dass represented through
C.P.W.D. Workers Union,
CPWD Service Centre,
Sector-IV, R. K. Puram,
New Delhi-110032

... Workman

Versus

The Chief Engineer (F),
Central Public Works Department,
Vidyut Bhawan, Shankar Market,
New Delhi-110001

... Management

WARD

A Khalasi was recruited by Central Public Works Department (hereinafter referred to as the management) on 7th of April, 1973, in pay scale of Rs. 196-232, which was revised to Rs. 750-940 by Fourth Central Pay Commission. He reached maxima of the said scale and as such was granted in situ promotion w.e.f. 1-4-91 in pay scale of Rs. 800-1150. In normal line/hierarchy of his cadre, next promotional post was that of Assistant Wireman. In terms of arbitration award dated 31-1-1988 post of Assistant Wireman merged with the post of Wireman w.e.f. 1st January, 1973, vide order dated 7-5-1997. He was granted ACP on 12-9-05 and promoted as Wireman on 16-2-06, after passing the trade test, in pay scale of Rs. 950-1500. He belaboured under a belief that in situ promotion was to be granted in pay scale of Rs. 950-1500 and not in the scale of Rs. 800-1150. He approached CPWD Workers Union (hereinafter referred to as the union) for re-dressal of his grievances. The union raised a demand, which was not conceded to by the management. The union took a decision and raised the dispute before the Conciliation Officer. Since the management insisted that in situ promotion was given in a proper scale of pay, hence conciliation proceedings failed. Conciliation Officer submitted his failure report to the appropriate Government. On consideration of the said failure report, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011-27-2010-IR (DU), New Delhi, dated 22-9-2010, with following terms of reference :

"Whether the action of the management of CPWD, New Delhi in denying the demand of CPWD Workers Union for grant of pay scale of Rs. 950-1500 w.e.f. 1-4-1991, to the workman Shri Prem Dass, Wireman, is legal and justified? If not, what relief the workman is entitled to "

2. During pendency of conciliation proceedings Shri Prem Dass, who was granted in situ promotion in the scale of Rs. 800-1150, expired on 1-10-2009. The union filed a claim statement, on his behalf, pleading that Prem Dass was appointed as Khalasi by the management on 7-4-73. He was granted in situ promotion in pay scale of Rs. 800-1150 by the management w.e.f. 1-4-91. Though he was given in situ promotion in pay scale of Assistant Wireman, which scale stood abolished on merger of post of Assistant Wireman with the post of Wireman, yet he was entitled for in situ promotion in pay scale of Rs. 950-1500. The union pleads that in situ promotion was to be given in next higher scale in normal line/hierarchy of promotion. Despite demand, the management had not granted pay scale of normal line/hierarchy of promotion to Prem Dass, when in situ promotion was granted. Thus action of the management is illegal. It has been prayed that claim made by the union, on behalf of late Prem Dass, may be accepted and the management be commanded to accord next higher scale of pay to him in normal line/hierarchy of promotion from the date of grant of in situ promotion.

3. Claim was demurred by the management pleading that on grant of in situ promotion Prem Dass was not entitled for payment of his wages in pay scale of Rs. 950-1500. According to the management, in situ promotion entitles an employee for payment of wages in next higher scale, but not to next higher post. Next higher post can be achieved on passing trade test and not otherwise. The management projects that Shri Prem Dass could pass trade test on 12-9-2005 and prior to that date he was not eligible for next higher post. Management does not dispute appointment of Prem Dass as Khalasi on 7-4-73 and grant of in situ promotion w.e.f. 1-4-91. It is also not a matter of dispute that next higher post in normal line/hierarchy of promotion was of Wireman, since post of Assistant Wireman stood merged with post of Wireman, in terms of arbitration award dt. 31-1-88 w.e.f. 1-1-73, vide order dated 7-5-1997. According to the management, the claimant was entitled to next higher pay scale of Rs. 950-1500 only on being promoted to the post of Wireman, after passing required trade test. When he passed trade test, he was given pay scale of Wireman. The management claims that the present dispute has not acquired status of industrial dispute, without being espoused by a recognized union in the establishment of the management. It has been claimed that the dispute raised by the union is liable to be dismissed, being devoid of merits.

4. On pleadings of parties, following issues were settled :

- (1) Whether the dispute is not maintainable as industrial dispute for want of espousal by a recognized union in the establishment of the management?
- (2) As in terms of reference ?
- (3) Relief

5. Shri Virender Singh, son of deceased Prem Dass, entered the witness box to unfold facts. Shri S. K. Goel, Executive Engineer, testified on behalf of the management. No other witness was examined by either of the parties.

6. Arguments were heard at the bar. Shri Dhirender Sharma, authorized representative, advanced arguments on behalf of the union. Shri Rajan Lal, authorized representative, assisted by Shri S. K. Goel, Executive Engineer, raised submissions on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows :

Issue No. 1

7. At the outset, it was argued that present dispute is an individual dispute, since it was not espoused by a recognized union in the establishment of the management. On the other hand, Shri Dhirender Sharma, authorized representative, claims that the union had espoused the dispute and thereafter it acquired status of an industrial dispute. He maintained that it does not lie in the mouth of the management to assert that an individual dispute has been raised before this Tribunal. According to Shri Sharma, the dispute was adapted by the union on 9-9-04 and thereafter it acquired character of an industrial dispute.

8. The Tribunal has to ascertain as to whether the dispute raised by the claimant had acquired status of an industrial dispute. For an answer to this proposition, the Tribunal has to take into account definition of the word "industrial dispute". Clause (k) of Section 2 of the Industrial Disputes Act, 1947 (in short the Act) defines industrial dispute, which definition is extracted thus :

"industrial dispute" means any dispute or difference between employers and employers, or between employers and workman, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person ;"

9. The definition of "industrial dispute" referred above, can be divided into four parts, viz. (i) factum of dispute, (2) parties to the dispute, viz. (a) employers and employers, (b) employer and workman, or (c) workmen and workmen, (3) subject matter of the dispute, which should be connected with - (i) employment or non-employment, or (ii) terms of employment, or (iii) condition of labour of any person, and (4) it should relate to an "industry."

10. Provisions of Section 10 of the Act, make it clear that the appropriate Government may refer an existing or apprehended dispute to the Industrial Tribunal for adjudication. Definition of "industrial dispute" encompasses within its sweep any dispute or difference between the employer and employers, or between employer and workmen or between workmen and workmen, which is

connected with the employment or non-employment or terms of employment or with the conditions of labour of any person. The Act is a legislation relating to what is known as "collective bargaining" in the economic field. This policy of the Legislature is also implicit in the definition of industrial dispute.

11. The Apex Court in *Bombay Union of Journalists [1961 (II) L.J. 436]* has observed that in each case in ascertaining whether an individual dispute has acquired character of an industrial dispute, the test is whether at the date of reference, the dispute was taken up as supported by the union of the workman of the employer against whom the dispute is raised by an individual workman or by an appreciable number of workmen. In order, therefore, to convert an "individual dispute" into an "industrial dispute", it has to be established that it had been taken up by the union of employees of the establishment or by an appreciable number of the employees of the establishment. As far as union of the workman of establishment itself is concerned, the problem of espousal by them generally presents little difficulty, as the workmen who are members of such unions generally have a continuity of interest with an individual employee who is one of their fellow workmen. But the difficulties arise when the cause of a workman, in a particular establishment, is sponsored by a union which is not of the workman of that establishment but is one of which membership is open to workman of their establishment as well in that industry. In such a case a union which has only microscopic number of the workman, as its member, cannot sponsor any dispute arising between the workmen and the management. Representative character of the union has to be gathered from the strength of the actual number of co-workers sponsoring the dispute. The mere fact that a substantial number of workmen of the establishment, in which the concerned workman was employed, were also members of the union would not constitute sponsorship. It must be shown that they were connected together and arrived at an understanding by a resolution or by other means and collectively supported the dispute.

12. What a substantial or considerable number of workmen could espouse a cause in a given case, depends on particular facts of the case. The fact that an "industrial dispute", is supported by other workmen will have to be established either in the form of a resolution of the union of which workman may be member or of the workmen themselves who support the dispute or in any other manner. From the mere fact that a general union, at whose instance an "industrial dispute" concerning an individual workman is referred for adjudication, has on its roll a few of the workman of the establishment as its members, it cannot be inferred that the individual dispute has been converted into an "industrial dispute". The Tribunal has, therefore, to consider the question as to how many of the fellow workman actually espoused the cause of the concerned

workman by participating in the particular resolution of the union. In the absence of a such a determination by the Tribunal, it cannot be said that the individual dispute acquired character of an industrial dispute and the Tribunal will not acquire jurisdiction to adjudicate upon the dispute. Nevertheless, in order to make a dispute an industrial dispute, it is not necessary that there should always be a resolution of substantial or appreciable number of workman. What is necessary is that there should be some express or collective will of a substantial or an appreciable member of the workman treating the cause of the individual workman as their own cause. This effect was held in *P. Somasundaramerian* [1970 (1) LLJ 558].

13. It is not necessary that the sponsoring union is a registered trade union or a recognized trade union. Once it is shown that a body of substantial number of workman either acting through a union or otherwise had sponsored the workman's cause, it is sufficient to convert it into an industrial dispute. In *Pardeep Lamp Works* [1970 (1) LLJ 507] complaints relating to dispute of ten workmen were filed before the Conciliation Officer by the individual workmen themselves. But their case was subsequently taken up by a new union formed by a large number of co-workmen, if not a majority of them. Since this union was not registered or recognized, the workmen elected five representatives to prosecute cases of ten dismissed workmen. Thus cases of the dismissed workmen were espoused by the new union, yet unregistered and unrecognized. The Apex Court held that the fact that these disputes were not taken up by a registered or recognized union does not mean that they were not "industrial dispute"

14. It is not expedient that same union should remain incharge of that dispute till its adjudication. The dispute may be espoused by the workmen of an establishment, through a particular union for making such a dispute an "industrial dispute", while the workman may be represented before the Tribunal for the purpose of Section 36 of the Act by a number of executive or office bearer of altogether another union. The crux of the matter is that the dispute should be a dispute between the employer and his workmen. It is not necessary that the dispute must be espoused or conducted only by a registered trade union. Even if a trade union ceases to be registered trade union during continuance of the adjudication proceedings that would not affect maintainability of the order of reference. Law to this effect was laid by the High Court of Orissa in *Gammon India Limited* [1974 (II) LLJ 34]. For ascertaining as to whether an individual dispute has acquired character of an individual dispute, the test is whether on the date of the reference the dispute was taken up as supported by the union of the workman of the employer against whom the dispute is raised by the individual workman or by an appreciable number of the workman. In other words, the validity of the reference of an industrial dispute must be judged on the facts as they stood on the date of the

reference and not necessarily on the date when the cause occurs. Reference can be made to a precedent in *Western India Match Co. Ltd.* [1970 (II) LLJ 256].

15. Now it would be considered as to whether the present dispute was espoused by the union or not. Shri Virender Singh unfolds that on grant of in situ promotion, his father was entitled to wages in pay scale of Rs. 950-1500. His father, namely, Shri Prem Dass, approached the union for redressal of his grievances. He moved an application through the union on 9-9-04 requesting the management to fix his pay in the scale of Rs. 950-1500. The management declined this request. When dues of his father were not given by the management he got a dispute raised before the Conciliation Officer through the union. On 22nd of February, 2009, union took a decision to raise a dispute before the Conciliation Officer and the dispute was accordingly raised. In due course the appropriate Government referred that dispute for adjudication to this Tribunal, deposed Shri Virender Singh.

16. Facts unfolded by Shri Virender Singh were not disputed on behalf of the management. No eye brows were raised by the management on facts referred above. Therefore, it is emerging over the record that the management does not dispute factum of Shri Prem Dass approaching the union for redressal of his grievances and moving an application on 9-9-04 for fixation of his pay in the scale of Rs. 950-1500. It is also not disputed that when management declined his request, the union resolved to espouse cause of Shri Prem Dass on 22-2-2009. It is also not a matter of dispute that after resolution by the union, it raised a dispute before the Conciliation Officer. Therefore, it is crystal clear that during the life time of Prem Dass, the union espoused his cause and raised a dispute before the Conciliation Officer. The dispute raised by the union before the Conciliation Officer was referred by the appropriate Government to this Tribunal for adjudication. During conciliation proceedings Prem Dass expired.

17. A personal action dies with the person. Maxim "actio personalis moritur-cum-persona" has a limited application in industrial jurisprudence. It operates in limited class of actions, since its applicability depends upon the relief claimed. When a relief relates to wrongful termination of services of a workman, in that event death of a workman during pendency of the proceedings would make this maxim applicable, since relief of reinstatement obviously cannot be granted. But final determination of issues involved in the reference may be relevant for regulating conditions of service of the other workmen in the "industry". Death of a workman during pendency of the proceedings, therefore, cannot deprive his heirs or legal representative of their right to continue the proceedings and claim benefits as successors to the deceased workman. Reference can be made to the precedent in *Rameshwar Manjhi* (deceased) though his son Lakhi Ram Manjhi [1994 (I) LLJ 376]. Reliance

can also be placed on precedent in Anjilamma [1996 (I) LLJ 733].

18. The Legislature inserted sub-section (8) of Section 10 of the Act in the statute book, which provision became operative w.e.f. 21-8-84. The said provision lays down that by reason of death of a workman, who was a party to an industrial dispute pending adjudication before the Labour Court, Tribunal or National Tribunal, the proceedings before such adjudicatory authority will not abate. The adjudicator will have to complete such proceedings and submit his award to the appropriate Government. The scope of adjudication by adjudicatory authority under the Act is much wider than the determination of legal rights of the parties involved in redressing the grievance of an aggrieved workman in accordance with law. Resolution of industrial dispute by such authorities is necessary for industrial peace notwithstanding the death of the workman concerned pending proceedings. Reference can be made to a precedent in Gwalior Rayans Mavoor [1978 (II) LLJ 188]. Here in the case Shri Prem Dass expired during conciliation proceedings and the management had not taken any objection when the appropriate Government was in the process of making a reference of the dispute to this Tribunal. Therefore, on the dispute being referred to this Tribunal, this Tribunal is under an obligation to adjudicate it since non-adjudication may have a tendency to disturb industrial peace.

19. In view of above facts, it is concluded that on espousal of cause by the union, dispute acquired character of an industrial dispute. When it was referred by the appropriate Government to this Tribunal, after the death of Shri Prem Dass, the Tribunal ought not refrain its hands from adjudication of the dispute. In view of these reasons, it is announced that on being espoused by the union, the dispute acquired character of an industrial dispute and after the death of Prem Dass this Tribunal have to proceed with the adjudication proceedings. Issue is, therefore, answered in favour of the union and against the management.

Issue No. 2

Shri Virender Singh deposed that his father joined services with the management as Khalasi on 7-4-73, in pay scale of Rs. 196-232, which was revised to Rs. 750-940. On 1-4-91 his father reached maxima of his pay in the said scale. He was granted in situ promotion on 6-2-2001 w.e.f. 1-4-91. He ought to have been granted in situ promotion in pay scale of Rs. 950-1500. Shri S. K. Goel presents that on grant of in situ promotion Shri Prem Dass was entitled to pay in next higher scale of Rs. 800-1150. In case of in situ promotion, the worker is given only wages in next higher scale of pay and not next higher post, deposes Shri Goel. However, Shri Goel does not dispute authenticity and applicability of documents Ex. MW1/W1, Ex. MW1/W2 and Ex. MW1/W3.

21. Ex. MW1/W1 projects a scheme formulated by Government of India in respect of career advancement of group 'C' and group 'D' employees. The scheme applies to : (i) employees who are directly recruited to a group 'C' or a group 'D' post, (ii) employees whose pay on appointment to such a post is fixed at minima of pay scale, and (iii) employees who have not been promoted on regular basis even after one year on reaching maxima of pay scale of such post. It is not a matter of dispute that Shri Prem Dass was recruited directly to a group 'D' post and his pay was fixed at minima of pay scale. It is also not a matter of dispute that Prem Dass reached maxima of pay scale on 1-4-90. There is no dispute that Shri Prem Dass was not promoted on regular basis even after one year on reaching maxima of pay scale for the post of Khalasi. Consequently it is clear that case of Prem Dass was covered within the ambit of scheme formulated by the Government of India, on the strength of Ex. MW1/W1.

22. When an employee is considered for promotion in situ, he is to get next higher scale of pay. What would be that higher scale of pay? According to the management it was next higher scale of pay available in the establishment while according to the union it was next higher scale available in normal line hierarchy of promotion available to the workman. Answer has been provided in scheme Ex. MW1/W1 in plain words. It proceeds that the employees will get promotion in situ to the next higher scale of pay available to them in normal line hierarchy of promotion. Promotions made on the basis of qualifying competitive departmental examination or subject to passing or acquiring higher qualification will not be treated as promotion in normal line hierarchy for the purpose of these instructions. In cases where no promotional grade is available promotional scale will be decided by the Ministry of Finance.

23. As projected above, in situ promotion would be granted to next higher scale of pay available in normal line hierarchy of promotion. Claimant, namely, late Shri Prem Dass was working as a Khalasi. It is not a matter of dispute that in normal line hierarchy of promotion post of Assistant Wireman was available in 1973, the date when he joined his services with the management, but by operation of arbitration award dated 31-1-1988 post of Assistant Wireman stood merged with the post of Wireman w.e.f. 1-1-73, vide order dated 7-5-1997. Thus on 1-4-91 normal line hierarchy of promotion available to Shri Prem Dass was the post of Wireman. The management seems to have been baffled by certain contents of scheme Ex. MW1/W1, which are thus :

"Group 'D' employees will retain the benefit of retirement at 60 years even after they are promoted in situ to the scale of Rs. 825-15-900 EB_20_1200. On promotion in situ to any higher group 'C' scale the retirement age of 58 will apply".

24. The management went astray in concluding that a Khalasi will get in situ promotion in pay scale of Rs. 825-1200. Such situation may arise in a case where normal line/hierarchy of promotion is to be made in the scale of Rs. 825-1200 only. In case normal line/hierarchy of promotion is to be made on the post of Assistant Wireman, which should merged with the post of Wireman, in that situation normal line/hierarchy for promotion for in situ promotion would be in scale of pay for the post of Wireman. Thus it is evident that on wrong interpretation of scheme Ex. MW1/W1, the management reached wrong conclusion. It resulted in injustice to late Sri Prem Dass. Denial of in situ promotion in pay scale of Rs. 950-1500 w.e.f. 1-4-91 was not based on terms of scheme Ex. MW1/W1. Action of the management cannot be termed as legal or justified. Issue is, therefore, answered in favour of the claimant, who is represented through the union and against the management.

Relief:

25. In view of foregoing reasons, late Shri Prem Dass was entitled to in situ promotion in pay scale of Rs. 950-1500 w.e.f. 1-4-91. He was to retain seniority for the post of Khalasi till his functional promotion to the post of Wireman. His pay was to be fixed in accordance with the provisions of Rule 22 (1) (a) (i) of Fundamental Rules. In view of the findings recorded above, the management is directed to grant in situ promotion to Shri Prem Dass in pay scale of Rs. 950-1500 w.e.f. 1-4-91 and consequential benefits accordingly. Functional promotion as Wireman, after passing trade test, will not govern benefit under rule 22 (1) (a) (i) of the Fundamental Rules. An award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dated: 18-2-2011

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 16 मार्च, 2011

का. आ. 1006.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन मिनीट्री एकेडमी के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 11, नई दिल्ली के पंचाट (संदर्भ संख्या 68/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-2011 को प्राप्त हुआ था।

[सं. एल-14012/10/2009-आई आर (डी यू)]

जोहन तोपनो, अवसर सचिव

New Delhi, the 16th March, 2011

S.O. 1006. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 68/2009) of the Central Government Industrial Tribunal-cum-Labour

Court, No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Military Academy and their workman, which was received by the Central Government on 16-3-2011

[No. L-14012/10/2009-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. II, KARKARDOOMA, DELHI-110032

I.D. No. 68/09

Dated: 25-1-2011

In the matter of dispute between :

1. Shri J. R. Salaria,
Son of Shri Budh Singh Salaria,
414, Panditwari, Dehradun ... Workman

Versus

1. The G.O.C.-in-Charge,
Hq. Central Command, Post Dilkhsha,
Lucknow ... Management

2. The Commandant,
Indian Military Academy,
P.O. Rangar Walla, Prem Nagar,
Dehradun ... Management

AWARD

The Central Government, Ministry of Labour vide Order No. L-14012/10/2009-IR (DU), dated 30-11-2009 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether Shri J. R. Salaria is a workman of the management of Indian Military Academy ? If so, whether the action of the said management in terminating his services w.e.f. 14-9-2006 is legal and justified ? If not, what relief the workman is entitled to ?"

The workman has filed a statement of claim in this case. However, written statement has not yet been filed by the management. Today, i.e. 25-1-2011, the case was fixed for filing written statement by the management, but workman is not present. He was not present on the last three dates of hearing as well. In fact, an application by post has been received in this court wherein Capt. J. R. Salaria has also enclosed his affidavit and has submitted in the application that he has been assured by the OP that in case he withdraws this case, he will be paid all the benefits. AR for the management who is present in court, however, denies having given any such assurance to him. In any case, the workman is not prosecuting the reference for the

last so many dates of hearing. In this situation, there is no way out except to pass a no dispute award as the workman is no longer interested to prosecute this reference. No dispute award accordingly is passed in this case and the reference sent by the Central Government is answered accordingly.

Dated : 25-1-2011

SATNAM SINGH, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2011

का. आ. 1007.—केन्द्रीय सरकार के संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना दिनांक 7-10-2010 द्वारा बैंकिंग उद्योग जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 2 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 17-10-2010 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त द्वारा शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 17-4-2011 से

छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/5/97-आई आर (पी एल)।

रवि माथुर, अपर सचिव

New Delhi, the 1st April, 2011

S.O. 1007.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour and Employment dated 7-10-2010 the service in Banking Industry which is covered by item 2 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a Public Utility Service for the purpose of the said Act, for a period of six months from the 17th October, 2010.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a Public Utility Service for the purposes of the said Act, for a period of six months with effect from the 17th April, 2011.

[No. S-11017/5/97-IR (PL)]
RAVI MATHUR, Addl. Secy.